

EXHIBIT D (PART 1)

THE M/V NORASIA ALYA

GEAL RODERICK
November 10, 2006

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[1]
[2] UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
[3]
[4] MICHAEL STEPSKI, KIRSTEN STEPSKI, Wife, :
[5] GEAL RODERICK and BENJAMIN SCHOBBER,
[6] Plaintiffs, :
[7] -against- Index No. :06 CV 01694
[8] The M/V NORASIA ALYA, her owners, (CM)
[9] operators, etc., and MS "ALENA"
[10] SCHIFFFAHRTSGESELLSCHAFT mbH & CO.
[11] KG, PETER DOEHLE SCHIFFFAHRTS-KG, :
[12] Defendants.
[13] DEPOSITION of GEAL RODERICK, taken by
[14] Defendants at the offices of Messrs. Blank Rome, LLP,
[15] The Chrysler Building, 405 Lexington Avenue, New York,
[16] New York 10174-0208, on Friday, November 10, 2006,
[17] commencing at 10:10 o'clock a.m., before Annette
[18] Forbes, a Certified Shorthand (Stenotype) Reporter and
[19] Notary Public within and for the State of New York.
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(1) *Roderick*
(2) G-E-A-L R O D E R I C K, called as a witness,
(3) having been first duly sworn by Annette
(4) Forbes, a Notary Public within and for the
(5) State of New York, was examined and
(6) testified as follows:
(7) **DIRECT EXAMINATION**
(8) **BY MR. SINGLETON:**
(9) Q: State your full name, please.
(10) A: Geal Anthony Roderick.
(11) Q: Where do you reside, Mr. Roderick?
(12) A: 289 Sandy Hollow Road, Mystic.
(13) Q: Zip code?
(14) A: 06355.
(15) Q: How long have you lived there?
(16) A: Thirty-one years.
(17) Q: I take it you are 31 years old?
(18) A: Yes.
(19) Q: What is your actual birthday?
(20) A: 5/14/75.
(21) Q: I take it then you still live with
(22) your folks?
(23) A: It's affordable.
(24) Q: You were here yesterday when I
(25) explained what is called the ground rules, for

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(1) *Roderick*
(2) get your head back into the game, so to speak.
(3) A: Yes.
(4) Q: Are you taking any medication today
(5) that might impair your ability to understand my
(6) questions or respond truthfully to them?
(7) A: No.
(8) Q: Are you on any medication?
(9) A: No.
(10) Q: Have you ever been arrested?
(11) A: No.
(12) Q: Tell me about your educational
(13) background.
(14) A: Graduated from Grasso Southeastern
(15) Tech.
(16) Q: Where is that located?
(17) A: Groton, Connecticut. Zip code I
(18) don't know.
(19) Q: That's okay.
(20) That was a technical high school?
(21) A: Yes.
(22) Q: What year did you graduate?
(23) A: '95.
(24) Q: Have you received any further
(25) education, formal education, formal schooling

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(1) *Roderick*
(2) lack of a better term, to Michael Stepski.
(3) I'm going to go over them again just
(4) to make sure you understand them.
(5) A: All right.
(6) Q: Despite the fact that we joke a
(7) little bit, we are friendly with each other, it's
(8) a solemn proceeding, you are under oath to tell
(9) the truth.
(10) I'm going to be asking you a series
(11) of questions about your background, the events of
(12) May 22nd, and maybe some things thereafter, all
(13) relating to the accident that is the subject of
(14) the complaint on which you are a plaintiff.
(15) You are nodding your head, but it's
(16) best if you say yes, understand?
(17) A: Yes.
(18) Q: My questions, I'm going to try to be
(19) fair with them. If you don't understand them,
(20) please tell me, I will be happy to rephrase them
(21) so you understand.
(22) A: Okay.
(23) Q: If you feel your mind is getting
(24) cluttered for whatever reason, you are not able to
(25) focus, let us know, we can take a break so you can

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(1) *Roderick*
(2) since then?
(3) A: No.
(4) Q: Have you taken any courses?
(5) A: Just safe boater's course.
(6) Q: Did you get a safe boater's
(7) certificate?
(8) A: Yes.
(9) Q: Do you hold any licenses of any
(10) kind?
(11) A: I had a Z Card, but I ended up
(12) letting it expire.
(13) Q: When did you obtain that card?
(14) A: '96.
(15) Q: Did you have to take any sort of
(16) examination to obtain that card?
(17) A: A urine test and a physical.
(18) Q: Do you still have a copy of the
(19) application that you filled out for that card?
(20) A: No.
(21) Q: When did it lapse?
(22) A: I think it was good for five or six
(23) years.
(24) MR. HEALEY: Ago?
(25) Q: Five or six from the time you

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[1] *Roderick*
[2] obtained it; is that right?
[3] A: Yes, I believe five or six years.
[4] Q: Did you get it renewed?
[5] A: No.
[6] Q: You obtained it, and it lapsed, that
[7] was the end of it?
[8] A: Yes.
[9] Q: Why didn't you ever get it renewed?
[10] A: Just never thought about it.
[11] Q: Have you ever been involved in any
[12] marine casualty?
[13] A: No.
[14] Q: Outside of this one?
[15] A: Outside of this one, no.
[16] Q: After you graduated from high
[17] school, what did you do?
[18] A: I did commercial fishing through
[19] high school, before high school and after.
[20] I do snow removal in the wintertime
[21] and other than that, putz around, run a pickup
[22] truck.
[23] Q: What?
[24] A: To pick up snow.
[25] Q: You run a pickup truck with a blade

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[1] *Roderick*
[2] on it?
[3] A: I run a payloador.
[4] Q: Commercial fishing, was that
[5] weekends after school?
[6] A: After school, weekends, during
[7] summer break all summer, with my father.
[8] Q: Outside of working with your father,
[9] did you work for anybody else when you were in
[10] high school commercial fishing?
[11] A: Fishing, no.
[12] Q: How about after graduating from high
[13] school, when did you first start to work for
[14] someone other than your family?
[15] A: I worked on the AGGRESSOR, which is
[16] a dragger based out of Stonington; Scott, Captain
[17] Scott lobster draggers, part owner. His last name
[18] I don't know, the SHARON E.
[19] Q: SHARON E?
[20] A: Yes.
[21] I worked on the THOMAS C, which is a
[22] fiberoptic boat, laying fiber optic cable. That's
[23] why I got my Z Card.
[24] There was another gill net. I can't
[25] remember the name. Captain was Dave — Keatley.

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[1] *Roderick*
[2] Q: Keatley?
[3] A: Keatley.
[4] Q: You can't remember the name of the
[5] boat?
[6] A: No.
[7] Q: Okay.
[8] A: And with Mike Stepski.
[9] Q: Which of Stepski's boats have you
[10] worked on?
[11] A: AVA CLAIRE and the MADELINE RUTH.
[12] Q: When you worked on the AGGRESSOR,
[13] she was a dragger.
[14] What were you dragging for,
[15] scallops, things like that?
[16] A: Ground fish.
[17] Q: Were you just a deckhand on that
[18] boat?
[19] A: Stand at the table, pick fish, just
[20] sort.
[21] Q: What years, what time did you work
[22] on that boat?
[23] A: I made three trips with my cousins.
[24] Q: And the SHARON E, what did you do on
[25] the SHARON E?

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[1] *Roderick*
[2] A: What that boat, gill netter?
[3] Q: What was your job there?
[4] A: Deckhand.
[5] Q: You were here yesterday for Mr.
[6] Stepski's description of his boat.
[7] Did it have a similar layout with a
[8] circular hauler?
[9] A: Hauler table. He had a net flaker,
[10] which you didn't have to stay on the stern for.
[11] You flaked the net out before you set it, so there
[12] was no set bar, just a big pen for the net.
[13] Q: How many trips or how long did you
[14] work on the SHARON E?
[15] A: One whole, I did a fall run with
[16] them for October to January and after the accident
[17] I worked with them.
[18] Q: October to January, what year are we
[19] talking about here?
[20] A: I couldn't tell you.
[21] Q: Well, the accident was 2004, May of
[22] 2004.
[23] A: It was after, I would say probably
[24] when I worked for him after, it was April to
[25] probably July and before the accident I couldn't

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(1) *Roderick*
 (2) tell you what year it was.
 (3) Q: You said you worked from October to
 (4) January for him?
 (5) A: That was the winter. That was
 (6) before the accident.
 (7) Q: Was it the winter before the
 (8) accident?
 (9) A: Probably three or four years
 (10) beforehand.
 (11) Q: And the THOMAS C, how long did you
 (12) work on that boat?
 (13) A: I was a temporary for a friend. I
 (14) left January, came back in April.
 (15) Q: What year are we talking about?
 (16) A: '96. Same year I got my card.
 (17) Q: And then Captain Dave Keatley, how
 (18) long did you work for him, what years did you work
 (19) for him?
 (20) A: I worked for him for about a year.
 (21) As to exactly when, I don't know exactly what year
 (22) it was.
 (23) I worked for Scott the winter
 (24) before. The following year I worked for a
 (25) AGGRESSOR and afterwards I worked for Keatley.

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(1) *Roderick*
 (2) Q: Let's put them in order, after high
 (3) school, the order of the boats you worked on?
 (4) A: THOMAS C, SHARON E, AGGRESSOR,
 (5) Keatley, then AVA and MADELINE.
 (6) Q: Did you have time off during this
 (7) period, in other words, where you didn't work on
 (8) boats?
 (9) A: No. I worked for my father.
 (10) Q: So is it fair to say then that from
 (11) high school to present you have been full time
 (12) employed on commercial vessels of one sort or the
 (13) other?
 (14) A: Yes.
 (15) Q: Other than your father's boat or one
 (16) of the boats you have mentioned here?
 (17) A: Yes.
 (18) Q: I assume with the exception of
 (19) taking vacation time?
 (20) A: What's that?
 (21) Q: I get the point.
 (22) A: Fishing is vacation.
 (23) Q: On the boats that you worked on, did
 (24) you ever actually operate those boats yourself?
 (25) A: By myself?

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(1) *Roderick*
 (2) Q: Or operate them under the
 (3) supervision of someone else or just stand a watch?
 (4) A: Standing a watch, yes. My father
 (5) let me haul the gear.
 (6) Mike would let me haul the gear and
 (7) so did Scott.
 (8) Q: By hauling the gear, does that mean
 (9) you are working with the hauler and the throttle
 (10) controls?
 (11) A: Yes.
 (12) Q: Apart from hauling the gear, did you
 (13) steer any of these boats?
 (14) A: In and around the docks and on the
 (15) way on the grounds, yes.
 (16) Q: When you say on the way to the
 (17) grounds, what do you mean?
 (18) A: Steaming to the grounds, to the
 (19) fishing grounds.
 (20) Q: Did you review any documents to
 (21) prepare yourself to testify here today?
 (22) A: For today, no. Last time I saw
 (23) anything was the report for the lawsuit.
 (24) Q: The report, meaning the Coast Guard
 (25) report?

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(1) *Roderick*
 (2) A: Yes.
 (3) Q: Did you read through that?
 (4) A: Yes.
 (5) Q: The whole thing?
 (6) A: As much as I could tolerate, yes.
 (7) Q: But did you look at a chart or
 (8) anything like that to refresh your memory so that
 (9) you could testify here today?
 (10) A: The other day in the office. That's
 (11) it.
 (12) Q: By the other day in the office,
 (13) whose office are you talking about?
 (14) A: Stevens.
 (15) Q: Mr. Stevens here with us?
 (16) A: Yes.
 (17) Q: Attorney Stevens.
 (18) And did you see any documents there
 (19) other than the chart?
 (20) A: Just I paid attention to the charts.
 (21) Q: Did you look at anything else?
 (22) Did you look at the complaint that
 (23) was filed in this matter, for example?
 (24) A: Yes. I actually read it for the
 (25) first time.

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(1) *Roderick*
(2) Q: What I am asking, I want you to use
(3) your memory, you are under oath. I don't want to
(4) say did you see this, did you see that.
(5) What is it that you looked at in the
(6) attorney's office to prepare yourself to testify
(7) today?
(8) A: The charts and the actual wording of
(9) the lawsuit, what was going on.
(10) Q: You didn't look at any part of the
(11) Coast Guard report?
(12) A: At that point in time, no.
(13) Q: Did you look at any photographs?
(14) A: No.
(15) Q: Has anybody described to you what
(16) the vessel NORASIA ALYA looks like?
(17) A: A container ship.
(18) Q: My question is has anybody described
(19) to you what that vessel looks like?
(20) A: They don't have to.
(21) Q: My question is has anybody described
(22) to you — please, this will go much faster if you
(23) listen carefully to the question and you answer
(24) the question.
(25) Has anybody described to you what

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(1) *Roderick*
(2) the vessel looks like?
(3) A: Described how?
(4) Q: In any way, tell you her color, tell
(5) you the color of the bottom paints, tell you her
(6) approximate size, tell you what the color of the
(7) superstructure is.
(8) Has anybody said anything like that
(9) to you?
(10) A: In the talking, just — I'm trying
(11) to word this. I'm trying to think how to word
(12) this the way you want it, which is truthful. The
(13) stuff that had been discussed as far as with the
(14) ship, what it looks like, is basically what I have
(15) seen of the ship from the initial incident.
(16) Q: Do I take it by your answer that
(17) someone, since the initial incident, has told you
(18) things about the ship?
(19) A: Basically by way of confirming the
(20) color, the style of the ship, yes.
(21) Q: Who was it that told you that?
(22) A: Stevens and Healey.
(23) Q: When did they tell you?
(24) A: Two years ago.
(25) Q: Has anybody within the last month

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(1) *Roderick*
(2) said to you, given to you any description or any
(3) details about the appearance of the NORASIA ALYA,
(4) whether you already knew it or not?
(5) A: Just in brief conversations.
(6) Q: And who was that?
(7) A: Just the meetings.
(8) Q: During the meetings with the
(9) lawyers?
(10) A: Yes.
(11) Q: Was a description of the ship given
(12) to you at your last meeting with the lawyers?
(13) A: I don't recall.
(14) Q: Who else attended the meeting that
(15) you had with attorney Stevens?
(16) A: Ron was there, Healey, I can't
(17) remember his name, he was on the phone.
(18) Q: Gargan?
(19) A: Yes. Mike was there, Kirsten. I
(20) was fashionably late.
(21) Q: How long were you at that meeting?
(22) A: Maybe three hours.
(23) Q: Did you bring anything with you
(24) today to the deposition, any papers?
(25) A: No.

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(1) *Roderick*
(2) Q: Outside of talking with the
(3) attorneys, Stevens, Healey and I guess Gargan,
(4) have you talked with anybody else about this
(5) incident, this casualty?
(6) A: My parents. My girlfriend at the
(7) time. Some of the people I worked with at the
(8) time.
(9) Q: Right after the incident happened,
(10) did you discuss with your parents what had
(11) occurred?
(12) A: Yes.
(13) Q: With your father?
(14) A: Yes.
(15) Q: Was is your father's name?
(16) A: Walter Roderick.
(17) Q: I already know his address.
(18) And your ex-girlfriend's name?
(19) A: Christina Green.
(20) Q: Did you discuss it with her after
(21) the incident?
(22) A: I discussed it. She wasn't
(23) interested.
(24) Q: Was she still your girlfriend at the
(25) time?

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[1] *Roderick*
[2] A: At that point in time, yes.
[3] Q: If I wanted to try to locate
[4] Ms. Green, do you have her address?
[5] A: Yes.
[6] Q: What is it?
[7] A: Same.
[8] Q: Same as yours?
[9] A: Yes. For now.
[10] Q: So she is still there for now?
[11] A: Yes.
[12] Q: Has your relationship changed?
[13] I take it she is no longer your
[14] girlfriend?
[15] A: She is the mother of my son.
[16] Q: But you are not married?
[17] A: No.
[18] Q: This meeting that you had with
[19] attorneys Stevens and Healey, when was that, the
[20] most recent one?
[21] A: Tuesday.
[22] Q: How about before that, did you meet
[23] with them before that?
[24] A: I think two or three weeks before
[25] that they had met.

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[1] *Roderick*
[2] Q: Were both present at that meeting?
[3] A: I believe so, yes.
[4] Q: How about Mr. Gargan, was he present
[5] at that meeting?
[6] A: Yes.
[7] Q: How about before the meeting that
[8] was two or three weeks ago?
[9] A: Before that, I would have to go and
[10] look at the calendar.
[11] Q: Do you keep a calendar?
[12] A: She does.
[13] Q: Ms. Green?
[14] A: Yes.
[15] Q: And that calendar was basically your
[16] appointment calendar, what you do?
[17] A: Her brain.
[18] Q: Does she keep a written calendar?
[19] A: No. She has just got a very good
[20] memory of appointments and stuff.
[21] Q: To find out when you last met with
[22] Mr. Healey or Mr. Stevens, you would go back and
[23] ask her and she would just remember it?
[24] A: Yes.
[25] Q: You said the Stepskis were at the

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[1] *Roderick*
[2] meeting on Tuesday?
[3] A: Yes.
[4] Q: Were the Stepskis there at the other
[5] meetings, as well?
[6] A: Yes.
[7] Q: Now, the boats that you worked on,
[8] you said one was your dad's boat. What was the
[9] name of that boat?
[10] A: STACY and GEAL II, named after me
[11] and my sister.
[12] Q: Does the STACY and GEAL II have a
[13] radar unit on it?
[14] A: Yes.
[15] Q: Does it have a GPS?
[16] A: Yes.
[17] Q: Chart plotter?
[18] A: Yes.
[19] Q: Are the chart plotter and GPS
[20] interfaced?
[21] A: No.
[22] Q: Well, it has to be for the chart
[23] plotter?
[24] A: Actually, no. It's a Grumman. It's
[25] an isolated unit, has its own GPS.

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[1] *Roderick*
[2] Q: Did you have the radar interface
[3] with the chart plotter?
[4] A: No.
[5] Q: Did you learn how to operate all
[6] this equipment?
[7] A: Yes.
[8] Q: So you understand how to read a
[9] radar?
[10] A: Yes.
[11] Q: How long have you been doing that,
[12] for how many years?
[13] A: Fishing since I was in diapers.
[14] Q: Of course, you understand the
[15] compass?
[16] A: Yes.
[17] Q: Would you say you understand basic
[18] sort of principles of navigation?
[19] Do know which way you are steering a
[20] boat, whether you are going southeast, west?
[21] A: Yes.
[22] Q: You know how to read Loran?
[23] A: Kind of.
[24] Q: Do you know how to take Loran
[25] coordinates and transpose those to the GPS

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[1] *Roderick*
[2] coordinators, latitude and longitude?
[3] A: No, I don't know.
[4] Q: If someone gave you a Loran
[5] coordinate and you had a Loran chart, could you
[6] determine where those coordinates were?
[7] A: Could I track them? Yes.
[8] Q: What kind of radar did you have on
[9] the AVA CLAIRE?
[10] A: Furuno.
[11] Q: Do you know the model?
[12] A: The model number I don't know.
[13] Q: How many trips had you taken with
[14] Mike Stepski before the incident?
[15] A: There were roughly five or six.
[16] Q: Had the display been the same for
[17] each trip or had that display been switched out?
[18] A: On the day of the incident he had
[19] swapped it out beforehand.
[20] Q: How long beforehand?
[21] A: Giving the exact date, I don't know.
[22] Q: The five trips you took with him is
[23] over what period of time?
[24] A: I would say probably about a month's
[25] time.

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[1] *Roderick*
[2] Q: So sometime during that month he
[3] switched out the display on the radar?
[4] A: Yes.
[5] Q: Do you know where he got the new
[6] display that he installed on the AVA CLAIRE?
[7] A: From my recollection, it was the
[8] PHYLLIS ANN.
[9] Q: What was the difference between the
[10] old display and the new display?
[11] A: It was actually a watch alarm.
[12] Q: What does that do?
[13] A: What it actually does is you set it
[14] for an exposed time and the buzzer will go off.
[15] And if the buzzer is continuous, somebody else has
[16] to wake up and go kick the chair.
[17] Q: What is the buzzer telling you?
[18] A: Basically somebody is asleep.
[19] Q: Somebody is asleep on their watch?
[20] A: Yes.
[21] Q: Doesn't the alarm though also have a
[22] mode so you can set it so that if a target
[23] approaches within a certain distance of your
[24] vessel, it sounds the alarm?
[25] A: That is a feature that is in the

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[1] *Roderick*
[2] radar.
[3] Q: Was that feature activated on May
[4] 22nd, the day of the accident?
[5] A: No.
[6] Q: Do you know why not?
[7] A: At that point, at that point in time
[8] we were all on deck.
[9] Q: Outside of the fact that you were
[10] all on deck, is there any reason why that feature
[11] was not activated?
[12] A: Mike and myself were watching the
[13] radar.
[14] Q: Any other reason why it wasn't
[15] activated?
[16] A: No.
[17] Q: Did you actually talk to Mike about
[18] whether you should activate that alarm or not?
[19] A: No.
[20] Q: How do you know it was not
[21] activated?
[22] A: When it is on, you can set the range
[23] and there are — actually a ring would show up.
[24] Q: That is a ring when the target
[25] enters, the alarm will activate?

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[1] *Roderick*
[2] A: Yes.
[3] Q: You didn't discuss with Mike at all
[4] on this particular day whether it would be a good
[5] idea to switch that thing on?
[6] A: No.
[7] Q: Can you remember whether in your
[8] five trips whether that new display was say
[9] switched out just before your last trip or
[10] sometime before your last trip?
[11] In other words, between trip No. 4
[12] and trip No. 5?
[13] A: I would say trip 4, it was the
[14] original display and on the fifth one it was the
[15] new one.
[16] Q: The new display?
[17] A: Yes.
[18] Q: Can you tell me about how many days
[19] it was between trip four and trip five?
[20] A: Four or five.
[21] Q: Do you know whether Mike had gone
[22] out with anybody else between your trip four and
[23] trip five?
[24] A: No, not that I know of.
[25] Q: You mean by your answer you don't

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[1] *Roderick*
[2] know or you don't believe he did?
[3] A: I don't believe he did.
[4] Q: That's because he would have taken
[5] you if he was going out?
[6] A: Yes. He usually calls, asks if I
[7] wanted to go or not.
[8] Q: How about your experience with a
[9] chart plotter?
[10] That was on your dad's boat?
[11] A: It was recently started, learned how
[12] to plot it. Before that there was on the other,
[13] one of the Keatley's boat, it was actually a
[14] computer assist. It was a computer set up with
[15] GPS interface.
[16] Q: A laptop; is that right?
[17] A: Actually, just a regular household
[18] computer.
[19] Q: On the AVA CLAIRE, there was a chart
[20] plotter?
[21] A: Yes.
[22] Q: And did you know how to read that
[23] chart plotter when you were on the AVA CLAIRE?
[24] A: I could read it, yes. Operate it,
[25] no.

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[1] *Roderick*
[2] Q: The chart plotter would give you an
[3] electronic chart, a ready display of an electronic
[4] chart?
[5] A: Yes.
[6] Q: And would it indicate on there
[7] latitude and longitude or did it indicate latitude
[8] and longitude?
[9] A: I don't recall if he had that
[10] feature. But as far as position, it showed where
[11] we were on the chart.
[12] Q: It would show you where you were.
[13] It was interconnected with the GPS on the AVA
[14] CLAIRE?
[15] A: Yes.
[16] Q: It would show you position on the
[17] electronic chart?
[18] A: Yes.
[19] Q: Did it have a display that displayed
[20] out in latitude and longitude like 73 west or
[21] whatever?
[22] A: No. We don't use lat and lon. We
[23] use TDs.
[24] Q: Explain what you mean.
[25] A: TD Loran lines. The Loran line runs

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[1] *Roderick*
[2] more of a true northward, north, southeast, west.
[3] And it's actually smaller increments.
[4] Q: But on the chart plotter that was
[5] connected to the GPS, did it have Loran lines on
[6] the chart plotter?
[7] A: On the actual chart itself?
[8] Q: Yes.
[9] A: No.
[10] Q: So when you just want to determine
[11] where you might be by looking at the chart
[12] plotter, how would you know what your position was
[13] in terms of either Loran-C or latitude and
[14] longitude?
[15] A: As far as the chart plotter, you
[16] could go in and bring it up.
[17] Q: When you bring it up, what would
[18] that bring up?
[19] A: Bring up the lat and lon, bring up
[20] the TDs, which is Loran-C.
[21] Q: Do you know what model this chart
[22] plotter was?
[23] A: What model? No.
[24] Q: Was the chart plotter such that you
[25] could, if you knew how to operate it, plug in a

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[1] *Roderick*
[2] way point in the Loran-C coordinates and that
[3] would mark that way point on the chart plotter for
[4] you and tell you which way to steer to get there?
[5] A: Yes.
[6] Q: Did it have, outside of just the
[7] chart and the indication of your boat, did it
[8] indicate anything in the digital or numeric
[9] printout?
[10] A: It would show fathoms, depths,
[11] wrecks, it would — the fairways would show up.
[12] You could see the designated dumping grounds if
[13] you brought it out, if you opened up the range, it
[14] would show up channel markers.
[15] Q: If you wanted to say determine your
[16] own vessel's course, would it give you that
[17] course? Would that course be indicated on the
[18] chart plotter?
[19] A: Yes, you can bring it up.
[20] Q: You would have to bring up —
[21] A: Yes.
[22] Q: The way it operated on May 22nd, was
[23] it operated so that course would automatically be
[24] displayed?
[25] A: I don't know.

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(1) **Roderick**
(2) Q: Did the chart plotter have a time
(3) box on it where the time of day would be
(4) displayed?
(5) A: That particular model, I don't know.
(6) Q: You already said you don't remember
(7) whether it had a latitude/longitude display or a
(8) display of where your position was in Loran-C
(9) coordinates that actually was displayed in the
(10) box?
(11) A: That I don't know.
(12) Q: Could you tell by looking at the
(13) chart plotter whether your heading was east, west,
(14) south, north?
(15) A: Yes. It was set up north was up.
(16) Q: Always?
(17) A: North was always up.
(18) Q: So you would know just by looking at
(19) that then which direction your vessel was heading?
(20) A: Yes.
(21) Q: If you were not moving, by looking
(22) at the chart plotter, was there some way to tell
(23) by the symbol that indicated your vessel which
(24) direction your vessel was pointed in or headed?
(25) A: That I don't know.

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(1) **Roderick**
(2) Q: The GPS that was on board the AVA
(3) CLAIRE, did that have the latitude and longitude
(4) printed or displayed on the GPS?
(5) A: No. It was also Loran.
(6) Q: Did that have the time of day on the
(7) GPS that was constantly displayed?
(8) A: That one, I don't believe so.
(9) Q: Did the GPS indicate the number of
(10) satellites it had acquired?
(11) A: No.
(12) Q: What make was the GPS?
(13) A: I believe it was a North Star.
(14) Q: Do you know about how old it was?
(15) A: No.
(16) Q: Did the AVA CLAIRE have a compass?
(17) A: Yes.
(18) Q: Where was the compass?
(19) A: In front of the steer, main steering
(20) station.
(21) Q: Was it a bubble compass?
(22) A: Yes.
(23) Q: Did you have to be though in the
(24) steering station to see the compass?
(25) A: As far as?

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(1) **Roderick**
(2) Q: To determine what the reading of the
(3) compass was.
(4) A: At the steering station, yes.
(5) Q: We understand at least Mr. Stepski
(6) said that in the hauler area there was also a set
(7) of controls with throttle gear, and we have called
(8) that the auxilliary control position. You don't
(9) need to refer to it the same way.
(10) The auxilliary control position, was
(11) there a compass there?
(12) A: Yes.
(13) Q: Was that operational?
(14) A: Yes.
(15) Q: Was the one in the wheelhouse
(16) operational?
(17) A: Yes.
(18) Q: Outside of the compass in the
(19) auxilliary control station, was there any other
(20) electronic navigation gear there?
(21) A: No.
(22) Q: In your standard auxiliary control
(23) station, what can you see in the wheelhouse by way
(24) of radar, chart plotter, et cetera?
(25) A: You could see the radar, the radar,

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(1) **Roderick**
(2) the chart plotter.
(3) As to what else, I can't remember.
(4) Q: Is it clear glass or shaded glass,
(5) the window that you have to look through to see
(6) into the glass?
(7) A: I believe it's actually clear.
(8) Q: Do you remember?
(9) A: To the best of my ability.
(10) Q: When you looked through, was it,
(11) could you actually see the details on the radar?
(12) Did you see targets?
(13) A: Yes.
(14) Q: How is your eyesight, by the way?
(15) A: I wear contacts.
(16) Q: What is your correction? What is
(17) your eyesight without the contacts?
(18) A: I don't know.
(19) Q: Do you need contacts to see
(20) distance?
(21) A: For distance, yes.
(22) Q: Do you have any correction for up
(23) close?
(24) A: No.
(25) Q: So if you don't have your contacts

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(1) *Roderick*
(2) in, can you read a book?
(3) A: I can sit there and read a book,
(4) yes.
(5) Q: At what point, if you don't have
(6) your contacts in, do you start losing your ability
(7) to make out things clearly?
(8) A: Say probably after 10 feet.
(9) Q: So at six feet, you can still see
(10) things without your contact lenses in?
(11) A: Yes.
(12) Q: Just as clear as you could with them
(13) in?
(14) A: Yes.
(15) Q: Did you have your contact lenses in
(16) on May 22, 2004?
(17) A: I had glasses.
(18) Q: When did you acquire those glasses?
(19) A: Six months beforehand.
(20) Q: Did you get them from like Lens
(21) Crafters or some optometrist?
(22) A: I want to say I got them at the
(23) Crystal Mall.
(24) Q: Crystal Mall?
(25) A: Yes.

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(1) *Roderick*
(2) Q: But you didn't go to a separate eye
(3) doctor, then the eye doctor looks at you and give
(4) you a prescription, then you go to a glasses
(5) store; you just went straight to the glasses
(6) store, they examined you there and fitted you with
(7) glasses?
(8) A: Yes. There was an eye doctor there.
(9) Q: Do you remember the name of the
(10) optometrist?
(11) A: No.
(12) Q: Where is Crystal Mall located?
(13) A: Waterford, Connecticut.
(14) Q: You believe you got that set of
(15) glasses about six months before this trip —
(16) A: Yes.
(17) Q: — the accident occurred.
(18) Had you worn glasses before that?
(19) A: Yes. All through high school.
(20) Q: Do you know whether your eyes have
(21) gotten worse as time has gone on since you first
(22) started wearing them?
(23) A: One eye has stayed the same. One
(24) eye has gotten worse.
(25) Q: Have you always gotten your glasses

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(1) *Roderick*
(2) at the Crystal Mall?
(3) A: Up until recently, yes.
(4) Q: And recently, where have you gone
(5) recently?
(6) A: Well, I actually have an appointment
(7) coming up.
(8) Q: And that's at someplace other than
(9) the Crystal Mall?
(10) A: Yes.
(11) Q: But up to that point, you had gotten
(12) your glasses from whatever this optometrist or
(13) glasses store is in the Crystal Mall?
(14) A: Yes.
(15) Q: The glasses that you had on that
(16) day, on May 22nd, were you wearing them all the
(17) time?
(18) A: Yes.
(19) Q: When the accident occurred, did you
(20) lose them?
(21) A: No.
(22) Q: You had them with you when you were
(23) rescued by the Coast Guard?
(24) A: Yes.
(25) Q: Do you still have them?

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(1) *Roderick*
(2) A: No.
(3) Q: I take it then you went and got
(4) another eye exam?
(5) A: Since then, yes.
(6) And the prescription just expired.
(7) Q: During the month of, you said it was
(8) about over a month period.
(9) The accident occurred on May 22nd.
(10) So let's just say from April 22nd on you made
(11) about five trips with Mr. Stepski.
(12) In between the trips with Stepski,
(13) did you go out with other people?
(14) A: My father.
(15) Q: After the incident, again, which is
(16) on May 22nd, when was the next time you went
(17) fishing?
(18) A: About a week later.
(19) Q: Who did you go out with at that
(20) time?
(21) A: My father.
(22) Q: When was the next time you got a job
(23) with someone other than your father?
(24) A: Probably like a month later.
(25) Q: Who was that with?

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(1) *Roderick*
(2) A: SHARON E.
(3) Q: So you were on the SHARON E before,
(4) but you went back to the SHARON E?
(5) A: Yes.
(6) Q: How long did you work on the SHARON
(7) E?
(8) A: Right up until they pulled the gear
(9) in July.
(10) Q: After July, when you stopped working
(11) on the SHARON E, did you go with someone else?
(12) A: Just my father.
(13) Q: After that, when was the next time
(14) you went with somebody other than your father?
(15) A: Mike recently, when he got the other
(16) boat.
(17) Q: What was your agreement with Mike
(18) Stepski regarding your compensation services on
(19) his boat?
(20) A: As far as?
(21) Q: What were you to get paid? Were you
(22) to get so many pounds of fish?
(23) A: A percentage.
(24) Q: What was the percentage?
(25) A: I think 15.

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(1) *Roderick*
(2) Q: Fifteen percent of what?
(3) A: I believe it's the catch, after fuel
(4) and dockage.
(5) Q: So the way you understood the deal,
(6) you got a thousand pounds of fish, you would sell
(7) a thousand pounds of fish. I'm trying to figure
(8) this out.
(9) Let's say you get \$10,000, and from
(10) that you are going to take out a thousand dollars
(11) for fuel for that trip, now you are down to nine.
(12) Dockage was a thousand dollars. Now you are down
(13) to eight.
(14) Was there anything else deducted out
(15) of that eight before you get your share?
(16) A: Main things was fuel, dockage, I
(17) think boat share.
(18) Q: Boat share?
(19) A: Yes.
(20) Q: What does that mean?
(21) A: The boat also gets a certain
(22) percentage for preventive maintenance, any kind of
(23) repairs, if it has to be done.
(24) Q: That comes right off the top then?
(25) A: Yes.

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(1) *Roderick*
(2) Q: Let's say the boat share was another
(3) thousand dollars. Now we are down to 7,000. A
(4) thousand for dockage, a thousand for fuel, a
(5) thousand for boat share. And now we are down to
(6) seven.
(7) Now your share is 15 percent of that
(8) 7,000?
(9) A: Yes.
(10) MR. SINGLETON: Off the
(11) record.
(12) (Discussion off the record.)
(13) MR. SINGLETON: Back on the
(14) record.
(15) BY MR. SINGLETON:
(16) Q: The day of the event, May 22, 2004,
(17) what time did you report to the dock to board the
(18) AVA CLAIRE to go out on this trip?
(19) A: I would say roughly 3:00 o'clock.
(20) Q: And about how long after you got to
(21) the dock did the boat leave?
(22) A: Five, ten minutes.
(23) Q: Now the 3:00 o'clock time, I take
(24) it, are you pretty clear on that time?
(25) A: Yes. Takes roughly six hours to get

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(1) *Roderick*
(2) to where we were fishing.
(3) Q: Let's go back to the 3:00 o'clock
(4) time. Don't calculate the mileage.
(5) Are you relatively clear you
(6) reported to the boat about 3:00 o'clock that
(7) morning?
(8) A: Yes.
(9) Q: If I ask Ms. Green, she could
(10) probably give me the exact minute?
(11) A: Knowing her, probably.
(12) Q: Did the AVA CLAIRE have a full tank
(13) of gas or fuel at this time?
(14) A: That I don't know.
(15) Q: You don't know when Mike last fueled
(16) up the boat?
(17) A: He said after the last trip, he said
(18) he was going to. So if he did or not, I don't
(19) know.
(20) Q: But that was his intention after
(21) that trip that you went on?
(22) A: Yes.
(23) Q: We are using trip five as the trip
(24) where the accident occurred.
(25) We are in agreement on that? I

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[1] don't want you to say oh, no, there was a trip
 [2] six.
 [3] A: I gave you an estimate.
 [4] Q: We will pick five, whether there are
 [5] six or seven, trip five is what we are using as
 [6] the trip the accident occurred on?
 [7] A: Yes. I will agree on that.
 [8] Q: Was there anything else put on board
 [9] the boat for this trip?
 [10] A: Ice.
 [11] Q: About how many pounds would you say?
 [12] A: I think we were four totes worth of
 [13] ice.
 [14] MR. HEALEY: Say what?
 [15] A: Probably four or five totes of ice.
 [16] Q: What is a tote?
 [17] A: It's the big black fish boxes that
 [18] you offload with.
 [19] Q: How many pounds do you think is in
 [20] each fish box?
 [21] A: I can get roughly 85, 90 pounds of
 [22] lobster into a tote. So translate to ice, I don't
 [23] know.
 [24] Q: So four totes of ice. Anything

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Roderick

[1] else?
 [2] A: Food.
 [3] Q: Anything else?
 [4] A: Food, soda, my pillow, that and my
 [5] fishing gear.
 [6] Q: Your personal fishing gear?
 [7] A: Yes.
 [8] Q: Like rods and reels?
 [9] A: Oilers, pants, jacket.
 [10] Q: Your working clothes, your working
 [11] gear?
 [12] A: Yes.
 [13] Q: Who else went on that trip with you?
 [14] A: Ben.
 [15] Q: Ben Schober?
 [16] A: Yes.
 [17] Q: When he showed up, did he have beer
 [18] with him?
 [19] A: I don't know. He was there before
 [20] me.
 [21] Q: Did you see beer on board the boat?
 [22] A: At that point in time, no.
 [23] Q: Did you see beer on board the boat
 [24] at any time up to when the collision occurred?

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Roderick

[1] A: After we left the dock, I had
 [2] noticed it.
 [3] Q: What was your understanding about
 [4] who brought that beer on board?
 [5] A: My understanding, it was Ben's.
 [6] Q: Have you ever, in your trips with
 [7] Mike Stepski, have you ever seen him bring beer on
 [8] board his boat?
 [9] A: Mike? No.
 [10] Q: Did you take gear on board the boat?
 [11] A: No.
 [12] Q: When you left the dock, how long did
 [13] it take you to get to the fishing grounds from the
 [14] time you left the dock?
 [15] A: Roughly six hours.
 [16] Q: To the fishing grounds, I understand
 [17] what you do is you have a set of strings, they
 [18] have a float, what you call a high flier on each
 [19] end of those strings?
 [20] A: Yes.
 [21] Q: Was it six hours from the time you
 [22] left the dock to the time you were alongside that
 [23] first string you were going to work?
 [24] A: Yes.

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Roderick

[1] Q: How long did it take you to haul the
 [2] first string?
 [3] A: How long exactly, I don't know.
 [4] Q: Approximately?
 [5] A: Maybe two.
 [6] Q: Two hours? After you hauled the
 [7] first string, what did you do?
 [8] A: Reset it.
 [9] Q: That's a matter of what, turning the
 [10] boat around?
 [11] A: Letting the buoys out, setting the
 [12] anchor, flaking the net.
 [13] Q: And how long did it take to reset
 [14] the first string on that day?
 [15] A: Half hour, 45 minutes.
 [16] Q: Then after that first string was
 [17] reset, did you proceed immediately to the second
 [18] string?
 [19] A: We had breakfast.
 [20] Q: How long did breakfast take?
 [21] A: Long enough to cook up a couple of
 [22] eggs, sausage.
 [23] Q: What did the boat do? Did you hang
 [24] off one of the — what did you do? Did you just

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[1] *Roderick*
[2] maintain your position?
[3] A: Before we started breakfast, we
[4] thought we got up alongside the next one.
[5] Q: How long did it take you to get,
[6] when you finished setting string one, how long did
[7] it take you to travel over to string two?
[8] A: Twenty, 30 minutes.
[9] Q: What was the distance between the
[10] two strings?
[11] A: I would say they are probably a
[12] quarter mile apart end to end. By the time we had
[13] set it back, we were probably about a mile away
[14] from it.
[15] Q: What kind of speed did the AVA
[16] CLAIRE make when you are full ahead?
[17] A: Ten, 11.
[18] Q: Are you relatively certain about
[19] this time, because Mike said it was less than
[20] that.
[21] A: What I recall we were just putzing
[22] to get to the next one.
[23] Q: Make said in terms of minutes it was
[24] less than that.
[25] A: I don't know.

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[1] *Roderick*
[2] MR. HEALEY: There wasn't a
[3] question. Rich is making a remark.
[4] Answer if he asks you a
[5] question.
[6] Q: Mike said it was less than that.
[7] My question to you is are you sure
[8] of that time?
[9] A: Down to a minute, I don't know.
[10] Q: With respect to this time, the time
[11] it took to get the boat from, the time you
[12] completed resetting string one to navigating over
[13] to getting ready to haul string two or being
[14] alongside string two, do you think Mike would have
[15] a better recollection of that time than you, since
[16] he was running the boat?
[17] A: Yes.
[18] Q: During the hauling of string one or
[19] resetting of string one, who worked the hauler?
[20] A: Mike was on the hauler.
[21] Q: The whole time?
[22] A: Yes.
[23] Q: For string one?
[24] A: Yes.
[25] Q: Do you use the hauler to reset the

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[1] *Roderick*
[2] string?
[3] A: No.
[4] Q: That just goes over the stern?
[5] A: That goes to the stern, which is my
[6] job.
[7] Q: When you were resetting, where was
[8] Mike?
[9] A: He was at the wheel.
[10] Q: In the wheelhouse?
[11] A: Yes.
[12] Q: When the reset was complete, then he
[13] was in the wheelhouse, stayed in the wheelhouse
[14] and navigated over to No. 2 string.
[15] A: Yes.
[16] Q: Is that how it happened?
[17] Now, you believe, your memory is
[18] somewhere thereabouts, you had breakfast.
[19] Who actually did the cooking for
[20] breakfast?
[21] A: Who it was, I don't know.
[22] Q: Well, was it Mike?
[23] A: I was on deck during the steam.
[24] Q: So Mike was steering, you were on
[25] deck, so that only leaves one guy.

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[1] *Roderick*
[2] A: I was cutting fish.
[3] Q: Are you sure you had breakfast?
[4] A: Yes.
[5] Q: When you started to haul string No.
[6] 2, about how long had you been hauling before this
[7] accident occurred?
[8] A: Probably hauled three-quarters of
[9] the net.
[10] Q: How much time do you think passed
[11] then?
[12] A: Probably about an hour and a half.
[13] Q: Now, up to the time of the
[14] collision, who was working the hauler?
[15] A: Halfway through me and Mike had
[16] switched so he could watch the radar.
[17] Q: So when you started working string
[18] two, Mike was on the hauler?
[19] A: Mike was on the hauler for the
[20] start, yes.
[21] Q: Again, your time, about how long was
[22] Mike on the hauler before you switched?
[23] A: Ten, 20 minutes.
[24] Q: And then when you went to the
[25] hauler, did you then stay on the hauler until the

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[1] *Roderick*

[2] collision occurred?

[3] A: I had up until probably 30 seconds

[4] beforehand I was at the hauler.

[5] Q: Mike started at the hauler, then

[6] Mike went to the wheelhouse?

[7] A: Between the table and the

[8] wheelhouse, he was picking the fish.

[9] Q: Mike was?

[10] A: Yes.

[11] Q: Mike was on the hauler after about

[12] 10 or 20 minutes, it's an approximation, I

[13] appreciate that.

[14] You then went on the hauler, you

[15] stayed on the hauler until immediately before the

[16] collision, until would you say about 30 seconds

[17] before the collision?

[18] A: Probably that.

[19] Q: The reason you moved away from the

[20] hauler was because you saw the vessel, the other

[21] ship?

[22] A: I didn't see the boat because I was

[23] running the hauler, picking fish. That's why we

[24] had swapped.

[25] Q: Why did you step away from the

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[1] *Roderick*

[2] hauler then that 30 seconds before the collision?

[3] A: I heard, "Oh, shit."

[4] For Mike to swear, it's for him to

[5] actually swear, it's very odd.

[6] Q: And that was him that said, "oh,

[7] shit"?

[8] A: Yes.

[9] Q: Did he yell "oh, shit" or mutter?

[10] A: He yelled it.

[11] Q: And when you heard him yell "oh,

[12] shit", you just jumped away from the hauler.

[13] What happened in that time period

[14] between when you left the hauler and when the

[15] collision occurred?

[16] A: I was up and over the table.

[17] Q: Mike says "oh, shit" and right then

[18] you didn't know what was happening, did you?

[19] A: We are dealing with — being fishing

[20] so long, like my father says "oh, shit," let's get

[21] away from the rail. So it was just instinct.

[22] Q: To get away from the side of the

[23] boat, not just the hauler, away from the side?

[24] A: Yes.

[25] Q: You jumped over the table?

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[1] *Roderick*

[2] A: Yes.

[3] Q: And then what happened?

[4] A: The vessel come across in front of

[5] the hauler, breaking us in two.

[6] Q: When Mike said "oh, shit", you

[7] didn't notice anything else, you jumped across the

[8] table.

[9] Did you look around to see why he

[10] had said "oh, shit"?

[11] A: There was water at my feet.

[12] Q: Did you at any time before the

[13] moment of impact see the other ship?

[14] A: Tracking on the radar?

[15] Q: No, visually with your eyes.

[16] A: Before the impact, no.

[17] Can I say something off the record

[18] real quick?

[19] MR. HEALEY: No, not really.

[20] A: Just to give an understanding.

[21] Q: If you say it off the record, it

[22] won't give an understanding.

[23] MR. HEALEY: If you say

[24] something off the record, you should

[25] tell me what you are going to say.

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[1] *Roderick*

[2] THE WITNESS: It doesn't —

[3] Q: Let me ask you this question before

[4] you say anything else.

[5] You obviously stated that you would

[6] like to say something.

[7] Is what you are going to say to

[8] clarify or modify one of your prior answers?

[9] A: It's to clarify why I jumped.

[10] Q: Okay. Go ahead.

[11] A: I lobstered all my life with my

[12] father. We use the side of the rail to put the

[13] pots on. There are times we are steaming up tide,

[14] the spray will catch one of the pots and flip it

[15] in the water, which in turn starts a chain

[16] reaction. And it's maybe 1,200 feet of rope

[17] running down the deck at the same time.

[18] Q: With weight on the other end?

[19] A: With 10 or 15 pots.

[20] Q: You don't want to get caught up in

[21] that and pulled over the side?

[22] A: Being growing up all your life

[23] fishing, you hear "oh, shit", it's just a reaction

[24] of just getting out of the way.

[25] Q: In other words, you are telling us

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[1] *Roderick*
[2] that was an instinctive reaction?
[3] A: Yes.
[4] Q: Based on your prior, based on what
[5] you had done before?
[6] A: Yes.
[7] Q: But even though you knew you weren't
[8] on a lobster boat, it still triggered that
[9] instinctive reaction?
[10] A: Yes.
[11] Q: What I want to really be clear on is
[12] that at no time prior to the impact did you see
[13] the ship that hit you except on the radar?
[14] A: Except for the radar.
[15] Q: What I said was a true statement
[16] then?
[17] A: Yes.
[18] Q: I would like to talk about when you
[19] cleared the table and wound up in the pen, I
[20] guess, or on the other side of the table —
[21] MR. SINGLETON: Where is that
[22] diagram?
[23] Q: While he is fishing something out,
[24] did you hear anything before the collision besides
[25] Mike saying "oh, shit"?

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[1] *Roderick*
[2] Did you hear the noise of a large
[3] diesel engine, anything else?
[4] A: No. Mike said before, the second
[5] time, before actually when he went up to the
[6] wheelhouse before he went, start untying the net.
[7] Q: Let's get that sequence in a moment.
[8] Mike drew this yesterday, it's not
[9] supposed to be to scale, I will represent that to
[10] you.
[11] MR. SINGLETON: For the
[12] record, we are showing the witness
[13] Exhibit 8.
[14] Now, some of that writing is
[15] mine, but with everybody's agreement,
[16] I labeled what Mike had been talking
[17] about.
[18] Q: You see what is labeled the table?
[19] A: Yes.
[20] Q: Is that the table you jumped over?
[21] A: Yes.
[22] Q: After you jumped over the table,
[23] landed on the other side, how long was it before
[24] the impact occurred?
[25] A: Not even that long. Maybe long

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[1] *Roderick*
[2] enough for me to get my feet on the ground on the
[3] deck.
[4] Q: Can you give me an idea in terms of
[5] seconds or minutes or whatever you want to use?
[6] A: Fifteen, 20 seconds.
[7] Q: I want to go back to a couple of
[8] things that will help give us a reference point.
[9] One is you just testified that at
[10] some point Mike said untie the gear?
[11] A: Before he went in the wheelhouse and
[12] said "oh, shit", yes.
[13] Q: So Mike said untie the gear?
[14] A: Yes.
[15] Q: You heard him say that?
[16] A: Yes.
[17] Q: Did he say that with a sense of
[18] urgency or did he just say it very casually?
[19] A: "Get the gear untied."
[20] Q: In his voice did you sense any
[21] urgency or concern about getting the gear untied?
[22] A: I got the bridle, the bridle was at
[23] the hauler at that point in time, so I started to
[24] untie it.
[25] Q: We will get to that.

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[1] *Roderick*
[2] Yesterday I spent all day with Mike
[3] and Mike is a very soft-spoken guy and didn't look
[4] like he gets excited about things, at least based
[5] on his reaction yesterday, reaction to the
[6] questioning.
[7] You know Mike. Just in your
[8] opinion, when Mike said "get the gear untied," was
[9] he calm, everything under control, no problem, or
[10] did you sense that he was concerned about
[11] something?
[12] A: Not really — I didn't really sense
[13] anything was wrong, but it's just a reaction to
[14] what you are told.
[15] Q: When he said "get the gear untied,"
[16] were you at the hauler?
[17] A: Yes.
[18] Q: So you went over the table, went to
[19] the stern.
[20] Is that what you did?
[21] A: No, I was at the — the bridles were
[22] right here where I was unable to tie that.
[23] Q: You are pointing to the roller
[24] hauler area?
[25] A: Yes.

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Roderick

- [1] Q: What is required for you to untie
[2] the bridles?
[3] A: Like almost like just untying your
[4] shoes.
[5] Q: Under ordinary circumstances how
[6] long would it take you to untie a bridle such as
[7] you were dealing with here?
[8] A: A minute.
[9] Q: So 60 seconds or thereabouts?
[10] A: Yes.
[11] Q: And have you done that before,
[12] untied bridles?
[13] A: Yes.
[14] Q: Was there anything about this bridle
[15] that made it more difficult to untie than any
[16] others?
[17] A: Trying to fight a little bit of the
[18] strain, yes.
[19] Q: That would add a little bit of time
[20] to what you are trying to do. Couldn't you take
[21] the strain off from the hauler or couldn't you
[22] take the strain off with the controls?
[23] A: You back off the hauler, it would
[24] start sliding down the rail, feeding back into the
[25]

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Roderick

- [1] water.
[2] Q: What if you don't back off the
[3] hauler, put the gear in neutral on the boat,
[4] reduce the stern slightly?
[5] A: You add tension.
[6] Q: You would add some tension on, so
[7] how much?
[8] Did you actually get this untied?
[9] A: I got one untied.
[10] Q: How many did you have to untie?
[11] A: I had one more to go.
[12] Q: Is it a minute per bridle or a
[13] minute per tie or is it one minute for both?
[14] A: Probably about a minute per bridle.
[15] Q: Under ordinary conditions, it would
[16] take you two minutes to untie it.
[17] How long did it take you to untie
[18] the first one?
[19] A: They came apart easy.
[20] Q: So 30 seconds?
[21] A: Yes. It was, that one there had no
[22] strain on it. It was all in the second one.
[23] Q: So you had started to untie the
[24] second one?
[25]

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Roderick

- [1] A: By the time, he had said something,
[2] no.
[3] Q: By the time he had said something,
[4] is that where the "oh, shit" comment was?
[5] A: Yes.
[6] Q: So Mike came out, said "get the gear
[7] untied," you started working — did you
[8] immediately start to untie it?
[9] A: Yes.
[10] Q: You worked on the first bridle.
[11] That took about thirty seconds or so. You just
[12] started to work on the second when you heard him
[13] say "oh, shit"; is that right?
[14] A: Yes.
[15] Q: Then it was about 30 seconds after
[16] that that the actual impact occurred?
[17] A: Yes.
[18] Q: Did you ever hear Mike say, "get a
[19] knife ready to cut the bridle"?
[20] A: No.
[21] Q: Did you hear Mike say "cut the
[22] bridle"?
[23] A: No.
[24] Q: What was Schober doing during this
[25]

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Roderick

- [1] period of time you have just described?
[2] This is from the time Mike came out
[3] and said untie the bridle to the time the
[4] collision occurred.
[5] A: Ben was by the center pen of the
[6] table.
[7] Q: He was still sorting fish?
[8] A: He was sorting fish.
[9] Q: When you started working string two,
[10] hauling string two, from where your position was,
[11] not at the hauler, but you were at the table,
[12] could you see the radar?
[13] A: I was actually at the back pen.
[14] Q: So you couldn't see the radar from
[15] there?
[16] A: Where I was, I was actually back
[17] here.
[18] Q: Pointing to the aftmost center pen,
[19] we have tabled as P, it's got a little circle.
[20] A: So the rope comes up, sets it in at
[21] the smaller slides of the high flier at the buoy
[22] back — we coil it back here on the tow, on the
[23] stern.
[24] When the rope was brought up and
[25]

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(1) *Roderick*
 (2) over the bar, one of the bars, to here, the
 (3) bridles would also sit here as well.
 (4) Q: What you are pointing to, that area
 (5) we have as the aftmost area, we have labeled crew
 (6) at the box, which is by the table, okay?
 (7) A: Yes. I could either stand,
 (8) typically I would either stand here or in the pen
 (9) or right here.
 (10) MR. SINGLETON: In the center
 (11) pen aft is what he was pointing to.
 (12) Q: Right here, pointing to the area
 (13) that we have labeled as crew; is that right?
 (14) A: Yes.
 (15) Q: So when you started work, hauling
 (16) the second string, you were in one of those
 (17) positions, either in the center aft pen or in the
 (18) area by the table I have labeled crew?
 (19) A: Yes.
 (20) Q: And Mike was on the hauler?
 (21) A: Yes.
 (22) Q: Up to the time that you switched
 (23) with Mike, you were on the hauler, did he leave
 (24) his station and go into the wheelhouse?
 (25) A: He would stop, take a good look at

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(1) *Roderick*
 (2) the radar, go back to the hauler.
 (3) Q: He would stop and look through the
 (4) window at the radar?
 (5) A: Yes.
 (6) Q: And then go back to the hauler?
 (7) A: Yes.
 (8) Q: My question is from the time that
 (9) you started hauling that second string until the
 (10) time you switched with Mike and you went to the
 (11) hauler, did he ever leave the hauler and go into
 (12) the wheelhouse?
 (13) A: That I don't actually know.
 (14) Q: Do you recall hearing him do that?
 (15) A: I can't actually say, because I'm
 (16) keeping an eye from here back, I could hear the
 (17) hauler stop and it would stay stationary for a
 (18) minute, two minutes. So my only assumption is he
 (19) was checking the radar.
 (20) Q: My question isn't whether he was
 (21) checking. My question is whether he left the
 (22) hauler, climbed over the table past you and went
 (23) into the wheelhouse?
 (24) A: I would say a couple of times he
 (25) did. I did notice him, he was on our side of the-

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(1) *Roderick*
 (2) table.
 (3) Q: We are talking about a couple of
 (4) times now between when you started to haul the
 (5) second string and before you went on the hauler.
 (6) yourself.
 (7) You noticed him a couple of times
 (8) climb over the table and go into the wheelhouse?
 (9) A: Yes.
 (10) Q: When he did that, how long was he in
 (11) the wheelhouse each time?
 (12) A: A minute, two minutes.
 (13) Q: Did you have any idea what he was
 (14) doing in there?
 (15) A: At that point in time, no.
 (16) Q: When you are hauling this net, you
 (17) are going along the net in the direction that the
 (18) net is laid out, aren't you?
 (19) A: Yes.
 (20) Q: These nets were generally laid out
 (21) from west to east, east to west depending, how you
 (22) look at it?
 (23) A: Yes. The east end was a little
 (24) further north than the southern end.
 (25) Q: But generally the nets were

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(1) *Roderick*
 (2) east-west orientation?
 (3) A: Yes.
 (4) Q: You say the east end was a little
 (5) further to the north than the southern end?
 (6) A: The easternmost end would actually
 (7) be a little more as you are running up, you are
 (8) increasing.
 (9) The best way to describe it is you
 (10) are starting at the east, the number east we had
 (11) set them on. The southern end, you are closest to
 (12) the shipping lane — the western end, excuse me.
 (13) As you work your way to the east, your distance
 (14) increases.
 (15) Q: Okay, you said it right then.
 (16) The western end is more southern
 (17) than the eastern end. The western end is closer
 (18) to the shipping lane than the eastern end?
 (19) A: Yes.
 (20) Q: Is there any way for you to give me
 (21) some idea of how much of a distance or difference
 (22) that was?
 (23) A: From what I would always notice on
 (24) that, the couple of clear days we did get, it was
 (25) about two or three miles for ships to pass south

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- (1) of us.
(2) Q: Well, did anybody mark either with a
(3) GPS or Loran the position of the western end of
(4) the string and the position of the eastern end of
(5) the tail string so you could be a little more
(6) scientific, you could determine that?
(7) A: He had the numbers written down in
(8) his book. I knew the general ridge that we were
(9) fishing on.
(10) Q: But you don't know exactly how, what
(11) that difference would be between the eastern end
(12) and the western end?
(13) A: How much it increased?
(14) Q: Yes.
(15) A: West end probably a mile. The
(16) eastern end probably about a mile and a half.
(17) Q: So over the course of the string it
(18) was a half a mile difference?
(19) A: Yes.
(20) Q: To the north?
(21) A: Yes.
(22) Q: Half a mile difference, and this was
(23) 6,000 foot strings?
(24) A: A mile.

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Roderick

- (1) Q: How long is a string?
(2) A: Roughly a mile long.
(3) Q: I'm going to have you draw, so we
(4) will illustrate what you are talking about here.
(5) A: As far as?
(6) Q: I am going to let you take a piece
(7) of paper, I realize this is approximate, just
(8) label it north, east, south and west so we can get
(9) a compass orientation on things.
(10) I want you to just draw the strings
(11) so that we can see what you are talking about by
(12) way of how these strings --
(13) MR. HEALEY: No, I object.
(14) That's beyond him.
(15) We will have to get some
(16) ground rules. I understand what you
(17) just said. You put north, east, south
(18) and west, he draws a line.
(19) Tell me what we are going to
(20) do with that. Are you going to now
(21) try to transpose that onto a chart?
(22) MR. WEIGEL: No. We are
(23) talking about it's this way, it's that
(24) way. It's some kind of things that we
(25)

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Roderick

- (1) have some idea what the orientation
(2) is.
(3) MR. HEALEY: That's all I am
(4) asking, because we cannot transpose
(5) this type of thing onto a chart.
(6) Do we agree?
(7) MR. SINGLETON: I think
(8) everybody would agree on that, that
(9) you can't transpose it onto a chart.
(10) We don't have distances.
(11) This is for illustrative
(12) purposes only for him to illustrate a
(13) point that he is making here with his
(14) testimony.
(15) MR. HEALEY: Okay. Nobody is
(16) going to try to pin you down to
(17) exacts, it's to illustrate generally
(18) what you were talking about verbally.
(19) A: Ocean bottom.
(20) MR. SINGLETON: Let me ask the
(21) questions so we are clear, we get a
(22) drawing that corresponds to my
(23) question.
(24) Q: You have just described to us a
(25)

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Roderick

- (1) manner in which strings were laid out on May 22,
(2) 2004, generally east to west.
(3) But with the easternmost position
(4) being somewhat to the north of the west, what I
(5) would like you to do is just illustrate that very
(6) simply, how the strings were laid out on the
(7) drawing.
(8) How many strings were there that you
(9) had out that day?
(10) A: I know we, again, it's like five or
(11) six.
(12) Q: Just draw then your best
(13) representation of what you believe to be the
(14) orientation of those strings.
(15) A: Call this one (indicating).
(16) Q: You said there was a half a mile
(17) difference in the latitudinal orientation of
(18) these, right?
(19) A: (Nodding.)
(20) MR. HEALEY: Do you
(21) understand?
(22) You didn't answer the
(23) question. I don't know what you
(24) are --
(25)

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(1) *Roderick*
(2) MR. SINGLETON: He did say
(3) yes. I want to make sure it's yes.
(4) MR. HEALEY: So do I, because
(5) I don't --
(6) BY MR. SINGLETON:
(7) Q: If you are talking about how far
(8) something is north or south, you are talking about
(9) latitude, right, do you know?
(10) TDs, Loran, roughly how far in a
(11) Loran sense?
(12) A: No.
(13) Q: In a latitude/longitudinal sense?
(14) A: No. I have never used lat and lon
(15) in my life.
(16) Q: All we know is that the first dot
(17) you put orienting the mark with north at the top,
(18) the first dot that you put, which is the
(19) westernmost dot, you compare that to the last dot
(20) you put at the easternmost dot, the difference
(21) would be that the easternmost dot is a half a mile
(22) north, approximately a half mile further north
(23) than the westernmost dot; is that right?
(24) A: No. As you go along.
(25) Q: Each string is a half mile north?

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(1) *Roderick*
(2) A: Each string is a half mile
(3) different.
(4) Q: And they work their way to the
(5) north?
(6) A: Yes. You constantly work your way
(7) to the north.
(8) In a sense --
(9) MR. HEALEY: Let him ask
(10) another question.
(11) MR. SINGLETON: He was
(12) continuing with his answer. I would
(13) like to hear what he has to say.
(14) A: In a sense, when we would start out
(15) hauling, we would always go to the southernmost
(16) string.
(17) As we haul, we are constantly
(18) working to the north. So maybe a six-hour steep
(19) from here, but it will be a five-hour steep from
(20) here.
(21) MR. UNGER: On the way home?
(22) THE WITNESS: Yes.
(23) Q: Let me just suggest something to
(24) you. So if we did it right, can I just, the first
(25) dot to the next dot is one string, right?

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(1) *Roderick*
(2) A: Yes.
(3) Q: I am going to connect that.
(4) The next dot to the next dot is one
(5) range?
(6) A: Yes.
(7) Q: Watch carefully what I am doing. I
(8) am going to keep doing that as you have done it.
(9) If my blue lines are now the string,
(10) does this detect how these nets were laid out?
(11) A: Yes.
(12) Q: If I understood you correctly, if we
(13) start at the westernmost dot, the easternmost dot
(14) is two and a half miles north of the westernmost
(15) dot, five times a half mile?
(16) A: Yes, roughly.
(17) Q: And how much distance is there
(18) between each string?
(19) A: Between each string, roughly a
(20) quarter mile.
(21) Q: So between the first --
(22) A: Actually, you say, I have to double
(23) check.
(24) You say there a half mile.
(25) Q: From the beginning, No. 1 to end of

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(1) *Roderick*
(2) No. 1 one would be a half mile?
(3) A: You gain a half mile north.
(4) Q: One-half mile, one mile, one and a
(5) half miles, two miles, two and a half miles?
(6) A: Yes.
(7) Q: So between the beginning of No. 1
(8) and the end of No. 5, we have advanced two and a
(9) half miles north, approximately?
(10) A: Yes.
(11) Q: Going along the fringe there about a
(12) quarter mile distance between the end of string
(13) No. 1 and the beginning of string 2?
(14) A: Yes.
(15) Q: Is that the same for all the
(16) strings?
(17) A: Rough estimate, yes.
(18) Q: Do you know how far the westernmost
(19) point of No. 1 was from the shipping lane?
(20) A: Roughly a mile.
(21) Q: So if I take this calculation, we
(22) roughly have from the beginning of No. 1 string to
(23) the end of No. 5 string, we have about six miles,
(24) right?
(25) A: Rough estimate, yes.

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- (1) MR. SINGLETON: Would you
(2) please mark this as the next exhibit.
(3) (Drawing was marked as Exhibit
(4) No. 13 for identification, as of this
(5) date.)
(6) BY MR. SINGLETON:
(7) Q: Your estimate of one mile from the
(8) westernmost point of string No. 1 to the shipping
(9) lane, what is that based on?
(10) A: The chart plotter.
(11) Q: Did you do that yourself, the chart
(12) plotter?
(13) A: That's off of Mike's estimate,
(14) because I had asked him roughly how far they were.
(15) Q: Mike told you it was about a mile
(16) off the shipping lane?
(17) A: Yes.
(18) Q: Is that a mile from the outer limit
(19) of the shipping lane or a mile from the center of
(20) the shipping lane?
(21) A: The outer limit.
(22) Q: And when did Mike tell you this?
(23) A: Couple of trips before.
(24) Q: Did you ever try to verify that

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- (1) yourself, the distance from No. 1 to the shipping
(2) lane?
(3) A: I was able, I looked at it, got a
(4) rough estimate of a chart where it was.
(5) Q: Did you use dividers and try to take
(6) a measurement of the chart?
(7) A: Yes.
(8) Q: When you got your rough estimate,
(9) how did you do that?
(10) A: Just following the Loran lines, we
(11) were able to just he —
(12) Q: Not he, you.
(13) How did you do it? You obtained
(14) your own estimate?
(15) A: Trying to think back to memory of
(16) the chart that we had on the boat.
(17) We got down to halves, the chart
(18) that Mike got went down, I believe it went down to
(19) like, for instance, using 14 lines, 14, 6, 50, 5.
(20) So it got to real decisive. So you were almost
(21) able to narrow it down to a certain area.
(22) Q: How much distance was between each
(23) Loran line?
(24) A: 25 — say 14550, 14525, would be

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- (1) almost like a quarter.
(2) Q: A quarter of a mile, quarter of
(3) what?
(4) A: It would indicate every 25 numbers.
(5) Q: Yes. But what does that represent
(6) in distance?
(7) A: I don't know.
(8) Q: So while you may have made an
(9) attempt to roughly estimate this, do you really
(10) know how to do this on your own based on Loran
(11) lines?
(12) A: Going on Loran lines, no. Comparing
(13) the chart plotter to an actual chart, I can get an
(14) instance.
(15) Q: Did you do that in this case,
(16) determine the one-mile distance?
(17) A: After looking at the chart plotter,
(18) yes.
(19) Q: Did you do that in this case?
(20) A: Looking at the chart plotter, you
(21) can blow it up, get an estimate.
(22) Q: And you did that when?
(23) A: Putzing around.
(24) Q: After the casualty?

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- (1) A: Beforehand, second time I fished
(2) that ridge.
(3) Q: You did it on a chart plotter.
(4) Tell me how you did it on that chart
(5) plotter.
(6) Whose chart plotter did you do it
(7) on?
(8) A: Keatley's.
(9) Q: How did you do it?
(10) A: You got the northern, up the
(11) northern edge of the shipping lane. Keatley and
(12) Mike both fished the same ridge.
(13) Q: You took the northern edge of the
(14) shipping lane.
(15) What did you do next?
(16) A: Going from the boat down to the
(17) shipping lane.
(18) Q: Tell me what you did. You have got
(19) a chart plotter, you have got the boat?
(20) A: It's on a computer.
(21) Q: What did you do to engage the
(22) computer?
(23) A: We first were down there when I was
(24) with Keatley, the boat, we were on the same ridge,

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(1) clicked on it, didn't even have to click on the
 (2) boat, clicked on the northern edge of the ridge.
 (3) It would pop up with a blip with the
 (4) Loran line distance, course to get there,
 (5) estimated time.
 (6) Q: What button did you push to do that?
 (7) A: It was a mouse.
 (8) MR. STEVENS: Just so the
 (9) record is clear, this is a different
 (10) ship.
 (11) MR. SINGLETON: The record is
 (12) clear. He said it was on a Keatley
 (13) boat.
 (14) MR. HEALEY: Am I right it's a
 (15) different boat?
 (16) MR. SINGLETON: It's a Keatley
 (17) boat, we both agree. The witness
 (18) testified to that different boat.
 (19) MR. HEALEY: We are agreeing
 (20) with what he testified to.
 (21) MR. SINGLETON: I'm happy to
 (22) clarify. It is a different boat, yes.
 (23) Q: So you put the mouse on, you were on
 (24) Keatley's boat, you were in the area.
 (25)

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(1) How do you know you were in the same
 (2) area where Mike's nets were set?
 (3) A: Recognized the ridge.
 (4) Q: Were Mike's nets still there?
 (5) A: At this point in time Mike wasn't
 (6) even there.
 (7) Q: So you recognized the ridge.
 (8) Did you enter the coordinates for
 (9) where Mike's net No. 1 had been set?
 (10) A: Keatley was before Stepski. With
 (11) Stepski, it was not the first time I had been down
 (12) to this ridge.
 (13) Q: Right. But the ridge — let's get
 (14) the chart out.
 (15) So the ridge you are talking about?
 (16) A: Tended up to this ridge here.
 (17) Q: That ridge runs north and south, at
 (18) least the edge of it that's nearest to the west.
 (19) On that north and south orientation,
 (20) how did you know when you were on Keatley's boat
 (21) where Stepski had set the No. 1 net?
 (22) How did you know you were in the
 (23) same position?
 (24) A: When you fish all your life, you
 (25)

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(1) recognize that.
 (2) Q: How do you know where you are in the
 (3) water?
 (4) A: We look at a chart, you would be on
 (5) the ridge.
 (6) Q: I see you can recognize the ridge,
 (7) but how do you know whether you were, for example,
 (8) on this particular exhibit, which is Exhibit 12,
 (9) we have a dot here labeled C.
 (10) How do you know you were either at
 (11) that position or half a mile north of that or half
 (12) a mile south of that when you were on Keatley's
 (13) boat?
 (14) A: Because his boat would always stay
 (15) in the center — on Keatley's boat on the computer
 (16) that he had you can take your mouse down, arrow
 (17) this over the line, give you how much.
 (18) Q: My point is how did you know whether
 (19) Keatley's boat, when you were taking this reading,
 (20) was in the same position as Mike's No. 1 string?
 (21) A: Just recognize the bottom was a
 (22) difficult place, recognized what the contours
 (23) were.
 (24) Q: So you did it by looking at the
 (25)

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(1) bottom contours, by that you mean the depths?
 (2) A: Yes. You can actually follow this.
 (3) Any time I fished down here, we
 (4) always fished by this ridge. You are the fish
 (5) mover through here.
 (6) Q: You did this on Keatley's boat
 (7) before you ever went fishing on Mike's boat?
 (8) A: Yes.
 (9) Q: Do you know on this chart how much
 (10) of a distance a quarter of an inch would make,
 (11) what the distance is for that?
 (12) A: How much?
 (13) Q: An eighth of an inch?
 (14) A: No. Because any time I had looked
 (15) on it, I could always follow the lines.
 (16) MR. HEALEY: Did you hear the
 (17) question?
 (18) MR. STEVENS: He heard the
 (19) question.
 (20) A: An actual chart, I could always get
 (21) a rough estimate on where I was following the
 (22) Lorans, the numbers.
 (23) Pulling up the chart plotter on
 (24) Keatley's boat, on my father's, we can get down to
 (25)

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[1] *Roderick*
[2] almost 5 feet.
[3] Q: But looking at this chart, do you
[4] know how much distance, even say an eighth of an
[5] inch, represents on this chart?
[6] A: On the chart, no. I have gotten
[7] spoiled.
[8] Q: But, again, everything, when you say
[9] you were on Keatley's boat before the accident,
[10] before you knew where Mike put his nets?
[11] A: Before I even fished with Mike.
[12] Q: Before you fished with Mike.
[13] You took a measurement to the
[14] traffic fairway from Keatley's boat in some
[15] position here.
[16] I am going to ask you to tell me
[17] everything or every reason why you believe that
[18] you were in the exact same position when you were
[19] on Keatley's boat and did that, exact same
[20] position that Mike set the No. 1 string, exact
[21] position.
[22] How do you know that?
[23] A: Paid attention to the chart plotter,
[24] watched the ridge, was able to get the same
[25] contours, depth is the same.

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[1] *Roderick*
[2] Q: But you did this before you met
[3] Mike. You were just there on the boat.
[4] How do you know at that time on
[5] Keatley's boat you were in the same place as Mike?
[6] MR. HEALEY: He just answered
[7] the question.
[8] Read the answer back rather
[9] than say it again.
[10] Q: Let me see, because if this is your
[11] answer, it's fine with me.
[12] Are you saying it's because, how
[13] long, it's about two years before you went out
[14] with Mike.
[15] If your answer is you knew it was
[16] about one mile, because when you were in Keatley's
[17] boat, you were about one mile away at some point
[18] on a fishing trip, two years prior to Mike, and
[19] then that two years later when you were out with
[20] Mike, you just happened to notice that the nets
[21] were in the same position as you were when you
[22] were on Keatley's boat two years ago; is that your
[23] answer?
[24] A: Yes.
[25] Q: Okay. I will take that.

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[1] *Roderick*
[2] Now, your prior trips with Mike, did
[3] they all go to the same ridge?
[4] A: Yes.
[5] Q: So were the nets set in the same
[6] place for all the prior trips?
[7] A: I think one trip we moved them from
[8] the south side of the shipping lanes to the north.
[9] Q: From the south side, you mean all
[10] the way down below here?
[11] A: Down below here.
[12] Q: You are indicating an area south,
[13] southernmost indication of the traffic separation
[14] scheme.
[15] Had you been gill net fishing with
[16] others besides Keatley?
[17] A: Scott.
[18] Q: In the same area?
[19] A: Same area.
[20] Q: Are the nets always set in a more or
[21] less east-to-west orientation?
[22] A: Depends on where you are fishing.
[23] MR. HEALEY: Pardon me.
[24] Did you say from east to west?
[25] MR. SINGLETON: Or west to

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[1] *Roderick*
[2] east.
[3] MR. HEALEY: So long as we are
[4] not trying to indicate anything, that
[5] they do know east and west access.
[6] This is saying nothing to you.
[7] A: You follow the tides.
[8] Q: I'm just saying which way the nets
[9] were.
[10] A: Down the ridge is here, you follow
[11] the tides. Tides run east-west. If you go up in
[12] the shallow waters, you have to change.
[13] When you get off from the shallows,
[14] here I have got to run north-south.
[15] Q: So everyone that's fishing this
[16] ridge that you have indicated, and I take it the
[17] points we have marked, C is on the edge of the
[18] ridge?
[19] A: Yes.
[20] Q: Everybody that's fishing that ridge
[21] is going to orient their nets most in an east and
[22] west orientation?
[23] A: Maybe that's your, not just gill
[24] net, you get lobster draggers.
[25] Q: For gill nets?

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- (1)
 (2) A: Yes.
 (3) Q: East to west?
 (4) A: Yes.
 (5) Q: Back to the situation on the boat
 (6) when you were hauling that second string on May
 (7) 22nd and before you took over at the hauler.
 (8) You said you believed Mike left the
 (9) hauler and went into the wheelhouse, over the
 (10) table into the wheelhouse a couple of times before
 (11) you took over at the hauler.
 (12) Is that your memory?
 (13) A: Yes.
 (14) Q: Do you know, and I asked you why he
 (15) was going in there, and I don't remember your
 (16) answer.
 (17) So if you want to tell me, save us a
 (18) lot of pain, I don't want to mischaracterize the
 (19) testimony.
 (20) A: The second time I notice that I did
 (21) hear him, I asked what was going on.
 (22) He told me he was tracking the
 (23) target.
 (24) I said okay.
 (25) Q: That was the second time he went in?

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Roderick

- (1) A: Yes. Roughly second, third.
 (2) Q: Did you ask him what's showing up,
 (3) in other words, what's the target doing?
 (4) A: I asked him what was wrong.
 (5) He said there was a target to the
 (6) south, seemed a little close.
 (7) Q: That was his exact words?
 (8) A: Not exact.
 (9) Q: But that was the thought he conveyed
 (10) to you?
 (11) A: Yes.
 (12) Q: What's his exact words to the extent
 (13) you can remember them?
 (14) A: It's two years ago.
 (15) Q: What were his exact words to the
 (16) extent you can remember them?
 (17) A: What exactly he said, I don't know.
 (18) Q: Then when you took over the hauler,
 (19) Mike was in the wheelhouse?
 (20) A: Yes.
 (21) Q: I think you said he also then came
 (22) out, was picking fish and was back in the
 (23) wheelhouse?
 (24) A: Yes.

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Roderick

- (1) Q: Did he say anything else to you up
 (2) to the "oh, shit" comment, about the target?
 (3) A: "Watch it." We were both watching
 (4) it.
 (5) Q: You were both watching it?
 (6) A: Yes.
 (7) Q: All right.
 (8) And he said "watch it."
 (9) Did he say anything else up to the
 (10) "oh, shit" comment, other than "watch it"?
 (11) A: Before he went in the wheelhouse,
 (12) "untie the nets."
 (13) Q: We have already gotten the sequence
 (14) of what happened after that.
 (15) And that was, I take it when he went
 (16) in the wheelhouse for the last time before the
 (17) collision?
 (18) A: Yes.
 (19) Q: But up until he went into the
 (20) wheelhouse for the last time before the collision,
 (21) he was standing at the table picking fish, you
 (22) were using the hauler, correct?
 (23) A: Right. He was picking other fish.
 (24) Q: What do you mean, what is the
 (25)

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Roderick

- (1) significance of picking other fish?
 (2) A: Take the fish, basically plucking it
 (3) out of the net, putting it in the pen. He would
 (4) walk up and watch it, come back.
 (5) Q: So he would go into the wheelhouse,
 (6) take a look at the radar, then come back and pick
 (7) fish?
 (8) How long would you say he was doing
 (9) a routine of picking, watching, picking, watching?
 (10) A: Maybe five, six, eight minutes. I
 (11) don't know.
 (12) Q: Until he then went in the wheelhouse
 (13) and that was it?
 (14) A: Yes.
 (15) Q: And the collision occurred; is that
 (16) right?
 (17) A: Roughly, yes.
 (18) Q: Before you took over on the hauler,
 (19) were you looking in to see the radar?
 (20) A: I could see it, I was watching it.
 (21) Q: Did you see a target?
 (22) A: Six miles.
 (23) Q: You saw the target six miles.
 (24) Did you continue to keep an eye on
 (25)

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[1] that?

[2] **A:** I watched the radar. Watching it, I

[3] had asked what we were going to do.

[4] He said he should pass within three

[5] miles to the south of us, to the south of us.

[6] That's the closest he said she would come, was

[7] three miles.

[8] **Q:** This is something Mike said to you?

[9] **A:** Yes.

[10] **Q:** He said that to you at the time on

[11] the boat?

[12] **A:** Discussion afterwards.

[13] **Q:** You mean after the collision?

[14] **A:** Yes, after before, I —

[15] **Q:** What I am interested in right now, I

[16] will talk to you about what you guys talked about

[17] afterwards.

[18] Right now I'm only interested in

[19] what he said to you, what you said to him on the

[20] boat just before the collision.

[21] **A:** Watch it. He should pass well south

[22] of us.

[23] **Q:** After you saw the target on the

[24] radar at six miles, was the distance between you

[25]

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Roderick

[1] and the target decreasing?

[2] **A:** He was at that point in time, he was

[3] maintaining a straight course.

[4] **Q:** The target was?

[5] **A:** The target.

[6] **Q:** Was the distance between your vessel

[7] and the target decreasing?

[8] **A:** It always does if you are in a

[9] passing situation.

[10] **Q:** Sir, it would be easier if you just

[11] answer my question.

[12] **MR. HEALEY:** He is trying to

[13] answer.

[14] **MR. SINGLETON:** It's just an

[15] example though.

[16] When I said, for example, what

[17] did he say, he said, it's two years

[18] ago.

[19] **Q:** I'm going to keep asking what he

[20] said until you tell me I don't remember or you do

[21] remember.

[22] So in this particular case, was the

[23] other vessel coming closer to your vessel?

[24] **A:** Yes.

[25]

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Roderick

[1] **Q:** Did you look at the radar again

[2] after you looked at it when the vessel was six

[3] miles away?

[4] **A:** Yes. I popped my head in a couple

[5] of times.

[6] **Q:** That's how you determined that the

[7] vessel was actually getting closer.

[8] When you looked next time at the

[9] target, what was the distance between your vessel

[10] and that vessel?

[11] **A:** The distance I don't know.

[12] **Q:** Before you went over to take over

[13] the position at the hauler, what was the last

[14] distance you can remember seeing between your

[15] vessel and the target?

[16] **A:** When I first took over the hauler,

[17] he was probably six miles.

[18] **MR. STEVENS:** I didn't hear

[19] what you said.

[20] **MR. SINGLETON:** He said six

[21] miles.

[22] **MR. HEALEY:** He said six

[23] miles, but I think he is still in the

[24] middle of an answer, or is that your

[25]

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Roderick

[1] answer?

[2] **A:** I think it was roughly about six

[3] miles when I had taken over.

[4] **Q:** Before you took over the hauler and

[5] you were sort of peeking at the radar through the

[6] door, I guess, or the window, from your table

[7] where you were picking fish, what distance did you

[8] see the target on there?

[9] **A:** Further than that. It wouldn't have

[10] showed up.

[11] **Q:** Let me ask this a different way

[12] then.

[13] At any time prior to taking over the

[14] hauler, did you see that?

[15] **A:** It wouldn't have showed up.

[16] **Q:** You are doing it again.

[17] Did you see it on the radar prior to

[18] taking over the hauler? Yes or no?

[19] **A:** No.

[20] **Q:** Why not?

[21] **A:** The radar was not six miles.

[22] **Q:** Your belief, based on all this, was

[23] the target was further than six miles away at that

[24] time, before taking over the hauler, right?

[25]

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Roderick

[1] A: Just at turning, yes.
[2] Q: How would you know?
[3] A: On Furuno, the radar always shows a
[4] half a mile more than what is there.
[5] So if it shows six miles, it's
[6] actually showing six and a half.
[7] Q: Did you see the target or did you
[8] not see the target on the radar screen before you
[9] went to the hauler?
[10] It's a very simple question.
[11] A: I don't know.
[12] Q: And you went to the hauler, and when
[13] you went to the hauler, did you look through the
[14] window to look at the radar then as soon as you
[15] got to the hauler?
[16] A: When I got to the hauler, he was on
[17] the radar.
[18] Q: Mike was?
[19] A: You are asking Mike or the ship?
[20] Q: You said he.
[21] When you got to the hauler, as soon
[22] as you get to the hauler, did you immediately look
[23] at the radar?
[24] A: Out of instincts, yes.
[25]

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Roderick

[1] Q: What did you see?
[2] A: There was a target on the radar.
[3] Q: What was the distance of that
[4] target?
[5] A: He was just outside of six miles.
[6] Q: Did you intend to observe that
[7] target on the radar?
[8] A: Yes.
[9] Q: And did you notice the distance
[10] closing, the distance getting less?
[11] A: Yes.
[12] MR. SINGLETON: I want to take
[13] just a quick break.
[14] We have been going at it for a
[15] while.
[16] (Whereupon, at 12:00 o'clock
[17] p.m., a recess was taken.)
[18] (Whereupon, at 12:15 o'clock
[19] p.m., the deposition resumed with all
[20] parties present.)
[21] GEAL RODERICK, resumed and
[22] testified further as follows:
[23] MR. SINGLETON: Back on the
[24] record.
[25]

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BY MR. SINGLETON:

[1] Q: Mr. Roderick, how long passed from
[2] the time when you went to the hauler station on
[3] the second string until the collision occurred?
[4] A: Time, I couldn't say. Looking back
[5] now, I couldn't tell you how far the gear went.
[6] Q: Can you tell me an approximate time?
[7] A: Had we switched by second net,
[8] second haul?
[9] Q: No. What I want is you took the
[10] hauler. How long after you took over the hauler
[11] until the collision occurred?
[12] A: Oh, we were three-quarters of the
[13] way through the net.
[14] Q: When you took over on the hauler,
[15] you took over from Mike, you were three-quarters
[16] of the way through hauling the net when you took
[17] over on the hauler?
[18] A: You asked between the time I took
[19] over and the collision —
[20] Q: Let me start again.
[21] At some point you relieved Mike on
[22] the hauler and Mike started picking fish and
[23] alternately going in the wheelhouse, correct?
[24]
[25]

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Roderick

[1] A: Yes.
[2] Q: How long before the collision did
[3] that event occur?
[4] A: Probably the first ten minutes, 10,
[5] 15 minutes.
[6] Q: After you saw that, when you first
[7] took over on the hauler, you have already said you
[8] saw the ship right at about the six-mile distance?
[9] A: Yes.
[10] Q: Did you continue to watch the ship
[11] while you were on the hauler?
[12] A: When we watched it, yes.
[13] Q: What did it do?
[14] A: Stayed to the south of us.
[15] Q: When Mike asked you to untie the
[16] bridle, did you look at the radar?
[17] A: No.
[18] Q: So I guess then when Mike said "oh,
[19] shit", you didn't look at the radar either?
[20] No?
[21] A: No.
[22] Q: At any time did you look at the
[23] radar when you saw that the ship was three miles
[24] away?
[25]

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[1] *Roderick*
[2] A: Three miles I had noticed it.
[3] Q: From being out on the hauler looking
[4] through the window, what is it that you used to
[5] determine on that radar screen how far the target
[6] is away from you?
[7] A: I don't remember if he had the mile
[8] things up or not. Instincts.
[9] Q: Did the radar have mileage rings on
[10] it, displayed?
[11] A: That I can't remember.
[12] Q: On that particular day, do you know
[13] how you were determining the distance of the
[14] target from your vessel?
[15] A: Same as you do pretty much any other
[16] day.
[17] Q: How is that?
[18] A: You learn as you, if you are
[19] familiar with, get familiar with something, you
[20] judge the distance.
[21] Q: Let me give you a suggestion. You
[22] tell me if it's right or wrong.
[23] If your radar is on a six-mile ring
[24] or radius, and the target is halfway between the
[25] edge of the radar and you, that means it's about

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[1] *Roderick*
[2] three miles away, is that what you mean by
[3] instinct?
[4] A: Yes.
[5] Q: Did Mike ever switch the radar from
[6] the six-mile ring to the three-mile ring?
[7] A: That I don't know.
[8] Q: How frequently between the time you
[9] took over at the hauler and you said Mike said
[10] "oh, shit" did you actually look at that radar to
[11] determine where the target was in relation to your
[12] vessel?
[13] A: When I went to put the boat in gear
[14] to move it ahead a little.
[15] Q: So is that once, twice, three times?
[16] A: How many times, I don't know
[17] exactly.
[18] Q: Let's put it this way.
[19] When you last looked at the radar
[20] before the collision, how far was the target away
[21] from your vessel?
[22] A: Looked like it could have been six
[23] miles. If he changed it, it ended up being three
[24] miles. I don't know.
[25] Q: So when you last looked at the radar

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[1] *Roderick*
[2] before the collision, the ship was either six
[3] miles or three miles from your boat?
[4] A: Depending on if it had been changed.
[5] Q: Depending on whether Mike had
[6] switched the radar from a six-mile to a three-mile
[7] display, right?
[8] A: Yes.
[9] Q: You don't know whether he did or
[10] not?
[11] A: Exactly. Correct.
[12] Q: Did you ever try to determine on
[13] your own whether this radar target that was
[14] observed was going to pass at a safe distance from
[15] your boat?
[16] A: Watching on how it was tracking on
[17] the radar, between six and three, it looked like
[18] it was going to pass to the south of us.
[19] Q: When you say between six and three,
[20] why do you say that, between six and three?
[21] A: Because I do know when it was six
[22] miles, its course was to the west.
[23] Q: Okay.
[24] That radar aboard the AVA CLAIRE, is
[25] that a north orientation or ship's head

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[1] *Roderick*
[2] orientation?
[3] A: Heads up.
[4] Q: So when you looked at the radar
[5] screen, where was the target?
[6] A: It would show up to the east of us.
[7] Q: If you just divide the radar screen
[8] into corners, right lower, upper right, upper
[9] left?
[10] A: It would change. Heads up displays,
[11] any time you would turn, so would the target.
[12] Q: When you were hauling your nets, did
[13] you turn?
[14] A: You are drifting so, yes, you are
[15] turning. You are constantly keeping your bow to
[16] the east.
[17] Q: But now you tell me when you watched
[18] that display, as you observed it, what did you do,
[19] where did you see it, how many different quadrants
[20] or quarters of the radar did you see it appear
[21] in?
[22] MR. HEALEY: I will object to
[23] the form.
[24] If you are having trouble,
[25] maybe you ought to break it down.

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(1) *Roderick*
 (2) MR. SINGLETON: No.
 (3) MR. HEALEY: I will object to
 (4) the form then.
 (5) A: It would have showed up in two.
 (6) Q: Which two?
 (7) A: It would show up in the two on the
 (8) hauling side.
 (9) Q: As you are looking at the radar
 (10) screen, they will tell me which side and whether
 (11) it's top or bottom?
 (12) A: Top and bottom hauling side.
 (13) Q: That's where you saw the target?
 (14) A: Yes.
 (15) Q: You are certain of this? I want to
 (16) make sure you are absolutely sure that is what you
 (17) saw?
 (18) A: It's of experience.
 (19) Q: No, what I am asking you —
 (20) MR. HEALEY: Just ask the
 (21) question. Don't make comments.
 (22) I understand. You want to
 (23) restrict. I'm making an objection to
 (24) your making comments on his testimony.
 (25) MR. SINGLETON: Your objection

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(1) *Roderick*
 (2) should be only objection —
 (3) MR. HEALEY: Don't tell me
 (4) what I should do. I know what you
 (5) said.
 (6) MR. SINGLETON: Obviously you
 (7) don't.
 (8) MR. HEALEY: You are making a
 (9) huge mess of this by rambling all
 (10) over, I'm allowing you.
 (11) I apologize for getting
 (12) personal. I hope you do the same with
 (13) me.
 (14) Let's get back to where we
 (15) were.
 (16) I object to you making
 (17) comments on his testimony.
 (18) Q: Here is my question.
 (19) Quite apart from what you think,
 (20) quite apart from what you may be sitting here
 (21) trying to figure out what is the case; my question
 (22) is what did you see on May 22nd when you were
 (23) looking at the radar?
 (24) A: It showed up in two quadrants.
 (25) Q: Which two?

(1) *Roderick*
 (2) A: The top one, the bottom one on the
 (3) hauling side of the vessel.
 (4) Q: So that would be the right-hand side
 (5) or starboard side of the vessel, right-hand side
 (6) of the radar screen; is that right?
 (7) A: Yes.
 (8) Q: When you first looked at it, which
 (9) quadrant was it in, when you first saw the target?
 (10) A: The way we were facing, it was abeam
 (11) of us.
 (12) Q: Which quadrant of the radar did you
 (13) see it in?
 (14) A: Its middle.
 (15) Q: Right. As a matter of fact,
 (16) going — center?
 (17) A: The right.
 (18) Q: At six miles away?
 (19) A: Yes.
 (20) Q: If we just did a 90-degree angle
 (21) from your vessel over to the side of the radar
 (22) screen, split it equidistant, that's where you saw
 (23) the target; is that right?
 (24) A: That's where he would be, yes.
 (25) Q: It's where you remember seeing him?

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(1) *Roderick*
 (2) A: Yes.
 (3) Q: And then you say you saw him in the
 (4) bottom right-hand side of the radar screen.
 (5) When did you see the target there?
 (6) A: After I moved up to the east a
 (7) little bit, bow swing to the north.
 (8) Q: Move up to the east. All of this,
 (9) of course, happened after you were at the hauling
 (10) station?
 (11) A: Yes. You are moving in and out of
 (12) gear.
 (13) Q: About how long after you got to the
 (14) hauling station did the ship change from the
 (15) middle of the right side of the radar screen to go
 (16) into the bottom right side of the radar screen?
 (17) A: After I had moved ahead on the gear.
 (18) Q: After you moved ahead.
 (19) When you were working the hauler,
 (20) were you more or less constantly in motion, your
 (21) boat constantly in motion?
 (22) A: You move ahead a little bit until
 (23) the net got to a certain point, you would stop,
 (24) let the net catch up.
 (25) Q: When you would stop, would your

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Roderick

[1] vessel tend to swing?
 [2] A: Yes. The vessel will swing in the
 [3] tide.
 [4] Q: Did it swing that day?
 [5] A: Yes.
 [6] Q: What would you say, you are moving
 [7] along the net, you stop and the vessel starts to
 [8] swing, was there a predominant side that it would
 [9] swing to that day?
 [10] A: The bow would swing to the north.
 [11] Q: If you can state it to me in degrees
 [12] on a compass, how many degrees would you say that
 [13] the bow would swing, then you would stop as you
 [14] haul in the nets, you put the vessel in neutral,
 [15] what would be the range of swing you were
 [16] experiencing?
 [17] A: It would end up like 60 degrees.
 [18] Q: Would you say that would be the
 [19] extreme swing or is that the average?
 [20] A: That would be the most extreme.
 [21] Q: What was the average swing?
 [22] A: About 40 degrees.
 [23] Q: Then the tide here, was the tide
 [24] running to the north?
 [25]

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Roderick

[1] your vessel to the right straight across, that's
 [2] what you mean by abeam of us; is that right?
 [3] A: Yes.
 [4] Q: Right on the edge of the radar
 [5] screen is abeam of you.
 [6] So three to six miles off your beam,
 [7] is that the last time you looked at the radar
 [8] screen?
 [9] A: Yes.
 [10] Q: That's off your starboard beam?
 [11] A: Yes.
 [12] Q: When you were working along the net,
 [13] and you were at the hauler, did you look at the
 [14] compass from time to time that was there at the
 [15] auxiliary control station?
 [16] A: Yes, you had to.
 [17] Q: And outside of your swing, what was
 [18] the general course you were steering?
 [19] A: East northeast.
 [20] Q: Can you give it to me in like the
 [21] degrees on the compass?
 [22] A: 15 degrees off the east.
 [23] Q: By that, do you mean if east is
 [24] 90 degrees on a compass, right?
 [25]

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Roderick

[1] A: Tide was running to the east.
 [2] Q: But that would still tend to set
 [3] your bow to the north?
 [4] A: Yes. But you stern the deeper part
 [5] of the vessel, draws most water.
 [6] Q: I believe you said the last time you
 [7] looked at the radar, the target was either three
 [8] miles or six miles away, depending on whether Mike
 [9] had switched the display from three to six miles;
 [10] is that right?
 [11] A: Yes.
 [12] Q: That's because you saw the target
 [13] was at the edge of the screen.
 [14] And the last time you looked at it
 [15] and saw it, was that when it was in the lower
 [16] right-hand quadrant?
 [17] A: After I moved and the boat actually
 [18] made a swing.
 [19] Q: Where did you see the target when
 [20] you last looked at the radar, where was the
 [21] target?
 [22] A: Would have been abeam of us.
 [23] Q: So, there again, if we looked at the
 [24] radar screen, we just drew a line straight from
 [25]

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Roderick

[1] A: Yes.
 [2] Q: You are taking 15 off of that so you
 [3] mean 75 degrees would be roughly the course you
 [4] were steering?
 [5] A: Yes. Keep the net alongside.
 [6] Q: What speed would you say you were
 [7] making while you were operating the hauler, the
 [8] forward progress of the vessel?
 [9] A: Idle.
 [10] Q: You were idle?
 [11] A: Idle speed, which on that boat, I
 [12] don't know.
 [13] Q: You were making some kind of speed
 [14] because each net was about a mile long and it
 [15] would take you, as you said, about two hours to
 [16] haul, right?
 [17] So we can do the math, figure out
 [18] what the forward progress of the boat is.
 [19] Would you say hauling string No. 2
 [20] was any different than hauling string No. 1?
 [21] A: No.
 [22] Q: Where was Mike Stepski when he said
 [23] "untie the bridle"?
 [24] A: Going into the wheelhouse.
 [25]

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[1] *Roderick*
[2] Q: Going in from where, where had he
[3] been, at the picking station?
[4] A: He was at the table on the opposite
[5] side of me.
[6] Q: When he said "untie the bridle," was
[7] there room enough for Schober to get over there
[8] and assist you with untying the bridle?
[9] A: Where I was, no.
[10] Q: Just room for you to do it.
[11] Was there anything he would have
[12] done to have assisted you from wherever he was?
[13] MR. HEALEY: Who is he?
[14] MR. SINGLETON: Schober.
[15] That's a fair point. I take that
[16] point.
[17] A: Where the bridles were, no.
[18] Q: If you were going to get radical
[19] with this net, by that I mean if you are going to
[20] get radical and cut it loose, is that a faster job
[21] than untying it?
[22] A: You cut through a lead line, a poly
[23] line and six feet of web.
[24] Q: So you think, no.
[25] What if you took an ax to it?

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[1] *Roderick*
[2] A: You are going to be sitting there
[3] swinging for five or six minutes.
[4] Q: Did you guys have a knife with you?
[5] A: There were a couple of them, yes.
[6] Q: Did you have one on you?
[7] A: I had my own personal, like a Kerr
[8] Shaw. But as for knives, knives were on the other
[9] side of the boat.
[10] Q: Was there an ax?
[11] A: No.
[12] MR. SINGLETON: Would you mark
[13] this, please, as the next exhibit?
[14] (Handwritten document was
[15] marked as Exhibit No. 14 for
[16] identification, as of this date.)
[17] BY MR. SINGLETON:
[18] Q: Let me show you what we have marked
[19] as Exhibit 14.
[20] I would like for you to take a
[21] minute and look over it.
[22] MR. STEVENS: Wrong one.
[23] MR. HEALEY: Is this yours?
[24] THE WITNESS: No. This ain't
[25] mine.

[1] *Roderick*
[2] MR. HEALEY: You can leave it.
[3] MR. SINGLETON: It's already
[4] marked.
[5] Let's mark this as Exhibit 15.
[6] (Handwritten document was
[7] marked as Exhibit No. 15 for
[8] identification, as of this date.)
[9] BY MR. SINGLETON:
[10] Q: We have put before you what has been
[11] marked as Exhibit 15.
[12] Is this your handwriting?
[13] A: (Perusing document.) Yes.
[14] Q: When did you prepare this document?
[15] A: The day of the accident.
[16] Q: Where were you when you wrote this?
[17] A: Cape Cod.
[18] Q: At the Coast Guard offices?
[19] A: Yes.
[20] Q: Why did you prepare this?
[21] A: They had asked for it.
[22] Q: I am going to go through it with
[23] you.
[24] You say in that first sentence says,
[25] "I was signing on the," I guess that's AVA CLAIRE,

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[1] *Roderick*
[2] "on May 22, 2004 when at about 11:00 a.m. while
[3] hauling gear at," then you give two coordinates.
[4] "The boat was hit on the starboard side just above
[5] the hauling station by a container ship."
[6] Is that all one sentence?
[7] A: Yes.
[8] Q: That's what you intended it to be
[9] was one sentence when you wrote it?
[10] A: At that point in time, I was so
[11] shaken, I just broke down.
[12] Q: My only question is not whether you
[13] were shaking, but whether you intended it to be
[14] one sentence.
[15] I'm not trying to criticize you on
[16] your sentence structure. I am just asking what
[17] you intended.
[18] A: I don't know.
[19] Q: Is the thought that you were
[20] intending to convey was that at around 11:00 a.m.
[21] your boat was struck by a container ship?
[22] A: At about 11:00, yes.
[23] Q: And it gives two coordinates here,
[24] 14700, 46300.
[25] Where did you get those coordinates

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[1] *Roderick*
[2] from?
[3] A: Looking at the chart they had at
[4] Cape Cod.
[5] Q: Was that a chart like I have in
[6] front of you here, what we have marked as Exhibit
[7] 12?
[8] A: No. It was a larger one.
[9] Q: When you say larger, what do you
[10] mean by larger?
[11] A: It showed Jersey, I want to say all
[12] the way north to Maine.
[13] Q: So it showed a greater geographic
[14] area than the chart that we have here today?
[15] A: Yes.
[16] Q: And did that chart that you were
[17] looking at there have Loran lines on it?
[18] A: Yes.
[19] Q: And so you looked at that chart and
[20] you then determined that 14700, 46300 was where
[21] you were?
[22] A: The first one is correct. The
[23] second one I screwed up on, should be the 43rd
[24] line.
[25] Q: So the first is correct, the second

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[1] *Roderick*
[2] one should be one?
[3] A: 43600.
[4] Q: So you just transposed the numbers
[5] then when you wrote it down?
[6] A: Yes.
[7] Q: You say that the boat was hit on the
[8] starboard side just above the hauling station by a
[9] container ship.
[10] Do you mean just forward of the
[11] hauling station?
[12] A: Yes.
[13] Q: You say the container ship had a
[14] blue hull and a white superstructure?
[15] A: Supposed to be superstructure.
[16] Q: But it looks like superstrasser.
[17] You meant to write structure?
[18] A: Yes.
[19] Q: What happened? You were rescued by
[20] helicopter, you were taken to Cape Cod, dropped
[21] off?
[22] A: Yes.
[23] Q: What happened after that?
[24] A: They gave us a brief interview, what
[25] happened, what we were doing, what we found, stuff

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[1] *Roderick*
[2] of that nature.
[3] Q: Did they give you coffee, tea or any
[4] blankets?
[5] Were you guys standing there
[6] dripping wet still?
[7] A: They gave us some clothes to change
[8] into, gave us some food, got picked up, went to
[9] New Bedford.
[10] Q: Did you write this note here that we
[11] have marked as Exhibit 15 before or after they
[12] gave you food?
[13] A: Before.
[14] Q: There is a date on top and a time.
[15] Do you know what that represents?
[16] A: The 22nd of May. As to the time, I
[17] imagine the time that it was given, I don't know.
[18] Q: What time did you arrive at the
[19] Coast Guard in Cape Cod?
[20] A: I have no clue.
[21] Q: You were picked up from the water
[22] about what, 3:00? Was it in the afternoon or
[23] 4:00, 5:00?
[24] MR. STEVENS: About 3:30.
[25] Q: What I am getting at, when you got

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[1] *Roderick*
[2] to the Coast Guard Cape Cod, was it still
[3] daylight?
[4] A: It was still daylight, yes.
[5] Q: When you got there, what was the
[6] sequence of events?
[7] First you said there was the
[8] interview or some kind of an interview?
[9] A: Whatever was going on.
[10] Q: After the interview, how long did
[11] the interview last?
[12] A: I don't know.
[13] Q: Do you know who it was that
[14] interviewed you?
[15] A: I thought it was the pilots, the
[16] pilot and copilot.
[17] Q: Of the helicopter?
[18] A: Yes.
[19] Q: Did you meet a Lieutenant Commander
[20] Bloom at Cape Cod?
[21] A: Not that I recall.
[22] Q: After the interview, is that when
[23] you wrote this statement?
[24] A: I think it was, I don't know if it
[25] was before or after.

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*Roderick**Roderick*

[1] *Roderick*
 [2] Q: When you wrote the statement, was it
 [3] still light outside?
 [4] A: I want to say yes, but I'm not
 [5] certain.
 [6] Q: What time did you get home that day?
 [7] A: I have no clue.
 [8] Q: Was it before midnight?
 [9] A: I honestly don't know. I fell
 [10] asleep in the car.
 [11] Q: How did you get home?
 [12] A: Kirsten Stepski.
 [13] Q: Did she drive all three of you back?
 [14] A: Yes.
 [15] Q: Can you show me in the chart where
 [16] the Loran coordinates are?
 [17] I want you to use the proper one,
 [18] the one you intended to put down, 43600.
 [19] Before you do that, let me ask you
 [20] another question.
 [21] How did you know — you say you went
 [22] to a chart, you looked at the chart there at the
 [23] Coast Guard?
 [24] A: Yes.
 [25] Q: You figured out where you were and

[1] *Roderick*
 [2] Q: So it's right in point B.
 [3] A: The one that was where we were
 [4] fishing was here.
 [5] Q: C. 14700, where is your 1400 line?
 [6] A: This.
 [7] Q: 436?
 [8] A: Right here.
 [9] Q: Where do those lines intersect?
 [10] A: B.
 [11] Q: That would be the position you
 [12] intended to record to the Coast Guard?
 [13] A: They asked for a rough estimate.
 [14] Close by, within proximity.
 [15] MR. SINGLETON: So it's clear,
 [16] the position B we were referring to is
 [17] on Exhibit 12.
 [18] Would you mark that as 16.
 [19] (Conversation record was
 [20] marked as Exhibit No. 16 for
 [21] identification, as of this date.)
 [22] BY MR. SINGLETON:
 [23] Q: Before we actually get to that, I
 [24] want to go back to the 11:00 o'clock figure that
 [25] you wrote on your statement there?

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*Roderick**Roderick*

[1] *Roderick*
 [2] then you figured out what the Loran lines were
 [3] that crossed, right?
 [4] A: They asked for a rough estimate.
 [5] Q: But you went to a chart and you
 [6] looked at a chart?
 [7] A: Yes.
 [8] Q: You testified to that already.
 [9] When you looked at the chart, you
 [10] could see the Loran lines in the area that you
 [11] believed you were and read the Loran lines and you
 [12] got that rough estimate; is that how it worked?
 [13] A: Yes.
 [14] Q: Can you show me on here where those
 [15] Loran lines coincide?
 [16] I will give you a pencil, you put a
 [17] dot or what have you.
 [18] A: The ones —
 [19] MR. HEALEY: You want him to
 [20] use the correct one?
 [21] Q: Not the one you incorrectly
 [22] recorded, but the one that you intended to record.
 [23] A: At the point in time, the
 [24] intersection of what we had, the one that is
 [25] correct now would be here.

[1] *Roderick*
 [2] A: This was not me.
 [3] Q: No, no, not stamped. If you read it
 [4] through, it says —
 [5] A: About.
 [6] Q: About 11. I will accept the about.
 [7] Do you still believe that's true?
 [8] A: Not paying attention to the time, I
 [9] don't know.
 [10] Q: But at the time you wrote it, that's
 [11] what you thought it was?
 [12] A: It was the time I thought.
 [13] Q: Now we will go to Exhibit 16.
 [14] Have you seen this before?
 [15] A: (Perusing document.)
 [16] Q: Yours probably had the blackout,
 [17] too, when you saw it?
 [18] MR. HEALEY: They were all
 [19] blacked out.
 [20] A: This was what was in the report.
 [21] Q: So you have seen it before?
 [22] A: Yes.
 [23] Q: Did you read it before?
 [24] A: Yes.
 [25] Q: Is there anything in this that is

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[1] **Roderick**
 [2] inaccurate?
 [3] **MR. HEALEY:** Same objection I
 [4] made just based upon possible misuse
 [5] of Coast Guard materials, because
 [6] these are barred by statute.
 [7] **Q:** Is there anything in here that is
 [8] not true?
 [9] **A:** On this one, looks to be all
 [10] correct.
 [11] **Q:** To the best of your recollection, is
 [12] this what you told the Coast Guard?
 [13] **A:** Yes.
 [14] **Q:** The first bullet point sentence says
 [15] "contact."
 [16] By the way, that's an unflattering
 [17] way to refer to, you stated that the vessel had
 [18] been gill netting for monkfish in Long Island
 [19] Sound.
 [20] **MR. SINGLETON:** That's got to
 [21] be wrong.
 [22] **Q:** Approximately five miles south of
 [23] the Ranger Wreck.
 [24] Where is the Ranger Wreck?
 [25] **A:** Ranger Wreck you guys don't have on

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[1] **Roderick**
 [2] here, it's up in here.
 [3] **Q:** Do you know where it is in relation,
 [4] even though it's not marked in relation to any
 [5] other topography characteristics on the bottom?
 [6] **A:** Off of that chart, the Ranger Wreck
 [7] would be here.
 [8] **MR. STEVENS:** Can we mark
 [9] that, please, with a pencil.
 [10] **Q:** Go ahead and mark where you believe
 [11] the Ranger Wreck is.
 [12] And you want to write Ranger Wreck
 [13] or RR?
 [14] **A:** What do you want?
 [15] **Q:** Ranger Wreck, RW.
 [16] **A:** What do you want?
 [17] **Q:** RW.
 [18] **MR. SINGLETON:** The witness
 [19] has complied and marked RW, Ranger
 [20] Wreck.
 [21] **MR. HEALEY:** The objection is
 [22] to the entire line of questioning.
 [23] **MR. SINGLETON:** I accept that.
 [24] I understand that.
 [25] **MR. HEALEY:** Okay.

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[1] **Roderick**
 [2] **BY MR. SINGLETON:**
 [3] **Q:** Have you seen charts with the Ranger
 [4] Wreck on it?
 [5] **A:** Yes.
 [6] **Q:** Which ones had you seen that had
 [7] been on there?
 [8] **A:** Either on the one for the computers.
 [9] **Q:** The electronic charts?
 [10] **A:** And the one that the Coast Guard
 [11] had.
 [12] **Q:** The one that was of the larger
 [13] geographic area?
 [14] **A:** Yes.
 [15] **Q:** On May 22nd, was there any wind to
 [16] speak of?
 [17] **A:** Yes.
 [18] **Q:** Can you give me any estimate what
 [19] the current was running that day?
 [20] **A:** I want to say she was running to the
 [21] west, was going west to east.
 [22] **Q:** About what speed?
 [23] **A:** I wouldn't be able to tell you
 [24] without a tide chart.
 [25] **Q:** There is no way you could tell by

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[1] **Roderick**
 [2] operating the vessel?
 [3] **A:** She would set in the direction.
 [4] **Q:** But in terms of half knot, knot, you
 [5] wouldn't be able to tell me?
 [6] **A:** No.
 [7] **Q:** Let's go back to this statement.
 [8] "Contact had entered Loran-C
 [9] coordinates of gear set as wave point into
 [10] plotter."
 [11] Does this mean you actually entered
 [12] the wave points into the chart plotter?
 [13] **A:** Into the Loran.
 [14] To get to the first net, I had
 [15] entered them in the Loran because I had the last
 [16] watch.
 [17] **Q:** You knew what the Loran coordinates
 [18] were?
 [19] **A:** To the first net, yes.
 [20] **Q:** Had you done this for other trips,
 [21] entered the wave point in the coordinates, into
 [22] the Loran on other trips with Mike or was this the
 [23] first time you had done it?
 [24] **A:** I have done it before.
 [25] **Q:** For Mike?

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[1] *Roderick*
[2] A: On other boats.
[3] Q: For Mike?
[4] A: Not for the gear.
[5] Q: Was this the first time you entered
[6] the wave points for the gear, fishing gear, into
[7] Mike's Loran?
[8] A: Yes.
[9] Q: Where did you get the wave point
[10] from, coordinates from?
[11] A: Out of his book.
[12] Q: Mike had a book with the
[13] coordinates?
[14] A: Yes.
[15] Q: Three bullet points down, "Contact
[16] stated the crew began hauling gear from west end
[17] working to the east."
[18] Is that correct?
[19] A: Yes.
[20] Q: Next point, "Contact stated that a
[21] radar contacted," I guess that meant contact, "had
[22] been identified, but it was believed to be another
[23] fishing vessel as it was remaining approximately
[24] three miles off and indicated no track of relative
[25] motion."

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[1] *Roderick*
[2] I'm going to break that down a
[3] little because that's a long sentence.
[4] Do you recall a contact that you
[5] believed was a fishing vessel?
[6] A: Yes.
[7] Q: When in the scheme of things did you
[8] observe that contact?
[9] A: When we were hauling the gear.
[10] Q: Which one, string one or string two?
[11] A: Two.
[12] Q: About how far into string two were
[13] you when you noticed this target?
[14] A: Halfway, a quarter.
[15] Q: Can you give it to me in a time, how
[16] much time after you started hauling string No. 2
[17] did you notice the radar contact that's referred
[18] to here?
[19] A: Time, no.
[20] Q: The Coast Guard says that you
[21] reported it was believed to be another fishing
[22] vessel as it was remaining approximately three
[23] miles off and indicated no track of relative
[24] motion.
[25] MR. HEALEY: Objection. Coast

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[1] *Roderick*
[2] Guard.
[3] That doesn't indicate the ones
[4] that we were given. This is this guy.
[5] They blocked them out. That's part of
[6] the objection.
[7] I think that I do know it is
[8] this fellow, but you say the Coast
[9] Guard report. That's the objection.
[10] Continuing.
[11] I'm just refining the
[12] objection to the use of these Coast
[13] Guard documents.
[14] Q: Did you tell the Coast Guard that
[15] you saw this contact that you believed to be a
[16] fishing boat that remained approximately three
[17] miles off and had no track of relative motion?
[18] A: Yes.
[19] Q: And that if you told him that, I am
[20] going to ask you what did you mean by "no track of
[21] relative motion"?
[22] A: That's something they used.
[23] Q: Did you then describe that in a
[24] different way?
[25] A: Didn't look like it was moving.

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[1] *Roderick*
[2] Q: And that's based on your observation
[3] of the radar?
[4] A: According to this, yes.
[5] Q: Well, forget this, let's go to your
[6] memory.
[7] Do you remember seeing a target on
[8] the radar that you thought was not moving?
[9] Did you tell the Coast Guard that
[10] you saw a radar target that appeared not to be
[11] moving?
[12] A: According do this, yes.
[13] Q: Well, here again, I agree according
[14] to this, yes.
[15] But what is your memory? Do you
[16] remember telling the Coast Guard that you saw a
[17] target that was not moving?
[18] A: Do I remember telling them that?
[19] No.
[20] MR. HEALEY: Did you say no?
[21] MR. STEVENS: He said no.
[22] Q: You don't remember telling them and
[23] you can't remember whether you saw a target that
[24] was not moving, would that be a fair statement of
[25] your testimony?

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Roderick

[1] *Roderick*

[2] A: Yes.

[3] Q: The next sentence, "Crew had just

[4] completed hauling first string of gear and was

[5] beginning second string when a contact was noticed

[6] on the radar."

[7] First of all, did you tell the Coast

[8] Guard this?

[9] A: Yes.

[10] Q: Was it you that saw this contact or

[11] was it somebody else that told you they saw a

[12] contact?

[13] A: We both saw it.

[14] Q: "We both" is you and Mike?

[15] A: Yes.

[16] Q: And you saw this when you had just

[17] completed hauling the first string of gear; is

[18] that right?

[19] A: Yes.

[20] Q: Is this the contact that later

[21] turned out to be the vessel that struck your

[22] vessel?

[23] A: No.

[24] Q: So this was a separate contact.

[25] Next sentence, you indicated that

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Roderick

[1] *Roderick*

[2] the operator — "Contact indicated that the

[3] operator ran to the pilot house to maneuver the

[4] vessel, but did not have time nor could the vessel

[5] get free of gear."

[6] Did you say this to the Coast Guard?

[7] A: Yes.

[8] Q: But you are telling me then that the

[9] contact that was noted in the above sentence,

[10] which you have already said that you remember

[11] telling the Coast Guard that you noticed after you

[12] just completed hauling the first string is not the

[13] contact that's being referred to in the next

[14] sentence.

[15] Is that your testimony?

[16] A: Yes.

[17] Q: Did the Coast Guard just get it

[18] wrong?

[19] A: I don't know. I can't speak for

[20] them.

[21] Q: Well, this doesn't then, assuming

[22] the first contact that you referred to as being on

[23] the radar was not the colliding vessel and the

[24] second contact was not the colliding vessel, it

[25] doesn't appear that you have referred at all, at

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Roderick

[1] *Roderick*

[2] least the Coast Guard has referred at all in the

[3] statement to the contact that eventually was the

[4] colliding vessel.

[5] Did you tell the Coast Guard at any

[6] time about what you have testified to today about

[7] the contact that you observed that wound up being

[8] the colliding vessel?

[9] MR. HEALEY: Objection to the

[10] form.

[11] A: It was the one that was seen six

[12] miles.

[13] Q: Did you say the only one that was

[14] seen was six miles?

[15] I couldn't hear you.

[16] A: The one that was showed up on radar

[17] was six miles. The one we paid attention to, also

[18] says the one that showed up at three miles.

[19] I paid attention to the vessel that

[20] was closer.

[21] Q: So you had two radar contacts?

[22] A: One did not show on a three-mile

[23] scale.

[24] Q: You had two radar contacts, one you

[25] say when you had your radar on the six-mile scale,

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Roderick

[1] *Roderick*

[2] you had the contact on the radar screen; is that

[3] right?

[4] A: Yes.

[5] Q: Tell me.

[6] A: Well, at six miles, there was only

[7] one contact.

[8] MR. SINGLETON: Off the

[9] record.

[10] (Discussion off the record.)

[11] BY MR. SINGLETON:

[12] Q: I have to go back, I'm sorry, we

[13] have now introduced another contact. I have to go

[14] back and clarify, see if there is a relationship

[15] or not to these contacts.

[16] How many different contacts, by that

[17] I mean that appeared to be different vessels and

[18] not a repeated image of the same vessel, how many

[19] different contacts do you believe you saw on the

[20] radar screen?

[21] A: We had one come and go, pass to the

[22] south, stayed to the south.

[23] The second contact was closer.

[24] That's why we went down to three miles.

[25] Q: The one that came and went to the

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Roderick

(1) south, did you notice that while the radar was at
(2) six miles?
(3) A: Yes.
(4) Q: And did it come and go while the
(5) radar was left on six miles?
(6) A: No. When the second contact
(7) appeared, it was closer. And we dropped the first
(8) one and watched the second one.
(9) Q: So when the second contact appeared,
(10) you ranged down to three miles from six miles?
(11) A: Yes.
(12) Q: But you were on the six miles and
(13) then you were tracking or at least I don't know if
(14) you were tracking, but you saw the one contact
(15) that was passing on the south?
(16) A: Yes.
(17) Q: Was that on a reciprocal course or
(18) was that contact going into the same direction you
(19) were?
(20) A: He was heading to the west.
(21) Q: So he was an inbound vessel?
(22) A: Yes.
(23) Q: Then you said you saw another
(24) contact that was closer, so you dropped the radar
(25)

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Roderick

(1) down to three miles; is that right?
(2) A: Yes.
(3) Q: You must have at least for an
(4) instant seen both contacts on the same screen, did
(5) you not, i.e., the six-mile screen?
(6) A: A very short time.
(7) Q: When that first contact appeared,
(8) the one you noticed, the contact, what was the
(9) distance of that contact?
(10) A: He was at six miles.
(11) Q: No, no.
(12) A: The range on the radar was six
(13) miles?
(14) Q: Yes.
(15) A: He was at the six-mile mark.
(16) Q: That's the one that passed to the
(17) south, right?
(18) A: Yes.
(19) Q: Then you said there was another one
(20) that was, you noticed that in much closer, that's
(21) what prompted you to change the radar to three
(22) miles?
(23) A: Yes.
(24) Q: My question is did you notice, I
(25)

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Roderick

(1) think you answered it, but both contacts for a
(2) period of time on the radar when it was set at six
(3) miles?
(4) A: No. One come and go and the other
(5) one stayed.
(6) Q: Yes, when the radar was at six
(7) miles, was there any time that you saw two
(8) contacts on the radar?
(9) A: No.
(10) Q: So the first contact you saw was at
(11) six miles?
(12) A: Yes.
(13) Q: And that came and went off the radar
(14) screen; is that right?
(15) A: Yes.
(16) Q: And then sometime after that,
(17) another contact appeared on the radar screen, but
(18) it was around three miles or less; is that right?
(19) A: She was at six miles.
(20) Q: The second contact was at six miles?
(21) A: Yes.
(22) Q: How far or how much time passed
(23) between contact one going off the radar screen and
(24) contact two?
(25)

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Roderick

(1) A: Not much at all.
(2) Q: How much time do you think?
(3) A: Honestly I don't know.
(4) Q: Are we talking more like a minute or
(5) five minutes or ten minutes or an hour?
(6) A: How much time, I don't know.
(7) Q: Try working it a different way.
(8) Which string were you hauling when
(9) you saw the first contact?
(10) A: We were hauling the second one in
(11) its beginning.
(12) Q: You were still hauling that second
(13) string when you saw the second contact?
(14) A: Yes. The second contact when we
(15) were halfway through it or halfway.
(16) Q: When you went to the hauling station
(17) and you looked through the window and you say you
(18) saw a contact at six miles, remember this?
(19) A: Yes.
(20) Q: You saw that at six miles.
(21) Was that the first contact or the
(22) second contact?
(23) A: Second.
(24) Q: Did you tell the Coast Guard about
(25)

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(1) *Roderick*
(2) the second contact?
(3) A: The one, second —
(4) MR. HEALEY: May I make a
(5) statement?
(6) MR. SINGLETON: No. I
(7) really —
(8) MR. HEALEY: I think just to
(9) clarify.
(10) MR. SINGLETON: I don't want
(11) to clarify.
(12) If you want to clarify
(13) something, let's go outside and
(14) clarify.
(15) MR. HEALEY: Sure, come on.
(16) You are the most suspicious
(17) man I have seen in a long time.
(18) (Whereupon, counsel confer off
(19) the record.)
(20) MR. SINGLETON: Would you read
(21) the last question?
(22) (The record was read.)
(23) A: This is the second contact.
(24) Q: When you say "this is," read the
(25) line you are pointing to, please.

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(1) *Roderick*
(2) MR. HEALEY: With all due
(3) regard, would you say what he was
(4) pointing to, sir?
(5) MR. SINGLETON: Sure. He has
(6) pointed to Exhibit 16. Go ahead.
(7) A: He stated, "contacted stated that a
(8) radar contact had been identified, but was
(9) believed to be another fishing vessel."
(10) Q: So you told the Coast Guard the
(11) contact two, the one that you saw when you were at
(12) the hauling station about six miles away, you
(13) believed that was a fishing vessel?
(14) Did you tell the Coast Guard that?
(15) A: The second image, the second contact
(16) we picked up, yes.
(17) Q: So you believed that it was a
(18) fishing vessel.
(19) What made you think it was a fishing
(20) vessel?
(21) A: It was in the lane and it started to
(22) head to the north.
(23) Q: Okay.
(24) A: As if he was starting —
(25) Q: Did you tell the Coast Guard that?

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(1) *Roderick*
(2) A: I can't remember if I did or if I
(3) didn't.
(4) Q: Do you remember whether you told the
(5) Coast Guard with respect in this contact that it
(6) was not moving, it's approximately three miles off
(7) and not moving?
(8) Did you tell the Coast Guard that?
(9) A: Yes. That's why we thought it was a
(10) fishing vessel.
(11) Q: Because it was not moving?
(12) A: We thought he was hauling gear.
(13) Q: When you took over at the hauler,
(14) you saw contact at about six miles that appeared
(15) to you not to be moving, is that correct so far?
(16) A: Yes.
(17) Q: And that led you to the conclusion
(18) that it was hauling gear and, therefore, a fishing
(19) vessel?
(20) A: Yes.
(21) Q: Do you have any idea how long the
(22) contact did not move, in other words, appeared to
(23) remain stationery?
(24) A: Couple of minutes.
(25) Q: How often does the antenna swing

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(1) *Roderick*
(2) around, once every 20 seconds?
(3) A: I don't know.
(4) Q: When you see the little line on the
(5) radar, right?
(6) A: It changes every two seconds.
(7) Q: For a couple of minutes you were
(8) watching that blip and it stayed in the same
(9) place?
(10) A: It appeared to, yes.
(11) Q: And then I take it the blip started
(12) to move at some point or maybe not?
(13) A: I don't know.
(14) Q: After this observation you made at
(15) six miles, did you ever look at that blip again?
(16) A: We watched it.
(17) Q: Not we, you.
(18) A: Did I? No.
(19) Q: Just to get it straight, from the
(20) time you saw the blip at six miles, you believed
(21) it to be a fishing vessel, to the time the
(22) collision occurred you personally did not look at
(23) that blip again; is that correct?
(24) A: No.
(25) Q: That's not correct or was my

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(1) **Roderick**
(2) statement correct?
(3) **A:** From the time we saw it three miles,
(4) it appears it was sitting still, I did not look at
(5) it again. Mike was watching the radar.
(6) **Q:** You said already that, you just said
(7) three miles. So you don't know whether it's three
(8) miles or six miles, because you don't know what
(9) range the radar was set on, it could have been one
(10) or the other at that time, right?
(11) **A:** Right.
(12) **Q:** Is it your testimony that that blip,
(13) the one that you saw, was eventually the vessel
(14) that collided with your vessel?
(15) **A:** Yes.
(16) **Q:** Do you have an idea of that vessel
(17) that was blip No. 1, the first blip, the one that
(18) you said went past, how far away that vessel
(19) passed off your beam?
(20) **A:** She was six miles to the south of
(21) US.
(22) **Q:** Six miles to the south?
(23) **A:** Yes.
(24) **Q:** You already said she was westward
(25) bound?

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(1) **Roderick**
(2) **A:** Yes.
(3) **Q:** And you know she was six miles
(4) because she was right at the edge of the radar,
(5) right?
(6) **A:** Yes.
(7) **MR. SINGLETON:** Why don't we
(8) take a lunch break?
(9) (Whereupon, at 1:25 o'clock
(10) p.m., a luncheon recess was taken.)
(11)
(12)
(13)
(14)
(15)
(16)
(17)
(18)
(19)
(20)
(21)
(22)
(23)
(24)
(25)

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(1) **Roderick**
(2) **AFTERNOON SESSION**
(3) November 10, 2006
(4) 2:05 o'clock p.m.
(5) GEAL RODERICK, having been
(6) previously duly sworn, was examined and
(7) testified further as follows:
(8) **MR. SINGLETON:** Back on the
(9) record.
(10) **BY MR. SINGLETON:**
(11) **Q:** Just before the collision, did Mike
(12) make any maneuvers of the vessel to try to avoid
(13) this collision?
(14) **A:** No.
(15) **Q:** When you were standing there, when
(16) you heard him say, "oh, shit", either before or —
(17) **MR. HEALEY:** Off the record.
(18) (Discussion off the record.)
(19) **MR. SINGLETON:** On the record.
(20) **Q:** Just before the time you heard
(21) Michael say "oh, shit" and the time that you
(22) jumped over the table, you didn't feel your vessel
(23) lunge forward or any movement like that?
(24) **A:** Not that I recall.
(25) **Q:** Did you notice any turn or attempted

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(1) **Roderick**
(2) turn?
(3) **A:** No.
(4) **Q:** Did you ever talk to Michael about
(5) why he didn't take any maneuvers to try to avoid
(6) this?
(7) **MR. HEALEY:** Objection to the
(8) form.
(9) **MR. SINGLETON:** Why?
(10) **MR. HEALEY:** You have now
(11) taken what he didn't observe as a fact
(12) that Michael didn't try anything.
(13) That's all.
(14) **Q:** Did you ever talk to Michael about
(15) what he might have done or not done around the
(16) time of the collision with the vessel?
(17) **A:** No.
(18) **Q:** Did he ever explain to you what he
(19) did or didn't do, whether you talked to him about
(20) it or not, did he make a statement about it with
(21) respect to maneuvering the vessel to avoid the
(22) collision?
(23) **A:** He asked me what I thought.
(24) **Q:** What you thought about what?
(25) **A:** What he could have done, what he

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Roderick

- (1) should have done.
 (2) Q: What did you say?
 (3) A: Under the rules of the road,
 (4) nothing.
 (5) Q: Why is that?
 (6) A: It states in the rules of the road a
 (7) commercial vessel engaged in fishing has right of
 (8) way.
 (9) Q: You told Michael that?
 (10) A: Yes.
 (11) Q: He didn't know that on his own?
 (12) A: He knew it, but not putting words in
 (13) his mouth, but almost like he wanted to hear it
 (14) from somebody other than what he knew.
 (15) Q: When did you have this discussion?
 (16) A: A couple of days after.
 (17) Q: When you had the discussion with
 (18) Michael a couple of days after, and he asked you
 (19) what you thought, you told him that the fishing
 (20) vessel had the right of way under the rules of the
 (21) road and didn't have to do anything.
 (22) Did he say anything to you about
 (23) believing that was the case or words to that
 (24) effect?
 (25)

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Roderick

- (1) A: Not that I recall.
 (2) Q: In other words, is it your opinion,
 (3) based on the conversations you had with Michael
 (4) that the reason he didn't do anything to get out
 (5) of the way was because he didn't believe he had
 (6) any obligation to do anything under the rules of
 (7) the road?
 (8) MR. HEALEY: I object to the
 (9) form.
 (10) A: Under Federal law, yes.
 (11) Q: Listen to my question.
 (12) I appreciate your position that you
 (13) believe under the rules of the road that a fishing
 (14) vessel under these circumstances doesn't have any
 (15) obligation to do anything, you believe that's your
 (16) interpretation. I understand that's your
 (17) interpretation.
 (18) My question to you is though in any
 (19) of your conversations with Mr. Stepski, did he
 (20) lead you to believe that that is the reason he, in
 (21) fact, did not take any maneuvers?
 (22) MR. HEALEY: I object to the
 (23) form.
 (24) Q: You can go ahead and answer it.
 (25)

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Roderick

- (1) A: A couple of days prior he did not
 (2) give an opinion why he did or didn't move.
 (3) Q: Since then, at any time?
 (4) A: Not that I can recall.
 (5) Q: Well, is it your view then, and just
 (6) your view, based on what you saw and the
 (7) conversations with Mr. Stepski, that he wanted to
 (8) or tried to maneuver, but for whatever reason
 (9) didn't have time?
 (10) A: No.
 (11) Q: Is it your view then, based on your
 (12) conversations with him and what you observed at
 (13) the time, that he believed he was under no
 (14) obligation to maneuver?
 (15) A: Rephrase it, because now I am
 (16) confused.
 (17) You want my opinion or do you want
 (18) Mike's opinion?
 (19) Q: I want to have your opinion of what
 (20) you believed was the situation with Mike.
 (21) A: I believed he was following the
 (22) rules of the road.
 (23) Q: So you believed he thought he didn't
 (24) have to maneuver, that the other ship had to keep
 (25)

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Roderick

- (1) out of his way?
 (2) A: Under what I believe and what I have
 (3) read in the rules of the road, yes.
 (4) Q: Based on your conversations with
 (5) Mr. Stepski, did he share your view?
 (6) MR. HEALEY: I will object to
 (7) the form.
 (8) I don't think that's a clear
 (9) question.
 (10) A: He had asked an opinion. I gave him
 (11) what I knew. As to whether or not he did or did
 (12) not is not my place to say.
 (13) Q: Let me get at this a different way.
 (14) Based on your being there at the
 (15) time, do you believe Mike took any steps to
 (16) maneuver to avoid this collision?
 (17) A: You are asking my opinion on what I
 (18) believe.
 (19) Q: Yes.
 (20) A: I believe he did what he was brought
 (21) up to do.
 (22) Q: My question is did you feel the boat
 (23) accelerate at all?
 (24) MR. HEALEY: You have asked
 (25)

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Roderick

[1] that question, haven't you?

[2] Q: Let's go over it again.

[3] Did you feel the boat accelerate?

[4] A: Did he move forward? No.

[5] Q: Did you feel a turn?

[6] A: Not until after the impact.

[7] Q: Did you feel anything else on the

[8] boat that indicated to you that Mr. Stepski was

[9] taking some kind of action to avoid being run over

[10] by this boat?

[11] A: I heard the engine RPM all the way

[12] up.

[13] Q: Your engine?

[14] A: Yes.

[15] Q: How long before the collision did

[16] you hear the RPMs go up?

[17] A: Couple of seconds.

[18] Q: And based on what it sounded like to

[19] you, was he gradually increasing the RPM or was he

[20] just putting the pedal to the metal?

[21] A: Being that I wasn't in the cockpit,

[22] I don't know how fast he hit the throttle.

[23] Q: Wouldn't you hear the engine RPM

[24] based on feeling the vibration of the boat?

[25]

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Roderick

[1] A: Engine RPM, all engines are

[2] different. The engine I have in my boat takes me

[3] five seconds to go from dead stop to full plane.

[4] His boat, it may take five minutes.

[5] Q: We are not talking about plane.

[6] A: To move.

[7] Q: To move at all?

[8] A: Maybe take five seconds, maybe take

[9] ten.

[10] Q: But if you accelerate, based on what

[11] you felt and heard, do you believe he gave the

[12] boat full throttle or not?

[13] MR. HEALEY: That's asked and

[14] answered.

[15] A: All I could hear was the engine RPM

[16] increase.

[17] Q: Did Michael Stepski ever tell you

[18] that he didn't take any action sooner because he

[19] believed he was not required to under the rules of

[20] the road?

[21] A: Did he say? No.

[22] Q: He never told you that?

[23] When you heard Stepski say "oh,

[24] shit" and you jumped over the table, what was the

[25]

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Roderick

[1] way you left the throttle in gear?

[2] A: The boat was in neutral and the

[3] throttle was in idle.

[4] Q: The way I understand the high flier,

[5] there is a high flier on each end of the string is

[6] that right.

[7] They have radar reflectors on the

[8] top?

[9] A: Yes.

[10] Q: How far up is it, how far are the

[11] radar reflectors from the surface of the water?

[12] A: From the surface of the water, six

[13] feet.

[14] Q: Each one of these strings had a high

[15] flier, a radar reflector on each end?

[16] A: Yes.

[17] Q: When you were looking at your radar

[18] on the boat, could you see the high fliers on the

[19] radar?

[20] A: We see the one, we could see the one

[21] we had set. We could pick that up. As for the

[22] other ones, once you get to a certain range, they

[23] will not be picked up.

[24] Q: What range is that?

[25]

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Roderick

[1] A: I think over a mile and a half.

[2] Q: When you are hauling nets, do you

[3] have the auto pilot engaged?

[4] A: No. It's in — he used the jog

[5] lever and it was set to work.

[6] Q: What lever?

[7] A: The jog lever.

[8] Q: What is the jog lever?

[9] A: It's instead of a steering wheel,

[10] it's like a joy stick, but it just activates the

[11] rudder.

[12] Q: You did not have the autopilot

[13] engaged when you were hauling nets?

[14] A: No.

[15] Q: Mr. Stepski talked about going out

[16] dragging some year or so after the event, dragging

[17] up the net and some debris.

[18] Were you present on that trip?

[19] A: Yes.

[20] Q: How did you find the area where you

[21] wanted to drag?

[22] A: Mike had plotted the numbers that he

[23] got when he went to pick up the rest of his gear,

[24] the Loran.

[25]

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(1) *Roderick*
(2) Q: Mike programmed the Loran on that
(3) trip?
(4) A: Yes.
(5) Q: Do you know what those coordinates
(6) were?
(7) A: Not off the top of my head.
(8) Q: What happened when you went out
(9) there to drag?
(10) A: We caught the end of what we were
(11) doing, caught the end of the string we were on
(12) when we got hit.
(13) Q: And you pulled it out?
(14) A: Yes. We got — we fetched it, we
(15) believe half into the middle between the wreck and
(16) the anchor. We hauled up the anchor and hauled
(17) back towards the wreck.
(18) Q: So you caught it in about the middle
(19) of the net, you say?
(20) A: Between the wreck of the boat and
(21) the anchor, yes. We caught it about the middle.
(22) Q: I'm not sure I understand.
(23) Can you explain it to me a different
(24) way?
(25) A: The throw was out of the hook.

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(1) *Roderick*
(2) Q: Out of hook?
(3) A: Got prongs. Throw it in the water,
(4) you drag that slowly behind you. You can feel
(5) the, you can actually feel the grapple bouncing on
(6) the bottom over the different terrain.
(7) As you feel it, every now and then
(8) you feel a little tug where it digs into the mud.
(9) When you get it, it will become a constant strain
(10) and you haul back.
(11) Q: So it became a strain and you pulled
(12) it in.
(13) When you pulled in the grapple, what
(14) did you find on it?
(15) A: We found the piece of net.
(16) Q: A piece of net?
(17) A: The net, because there were five
(18) nets left.
(19) Q: Piece of the string?
(20) A: Yes.
(21) Q: Do you know where you were on the
(22) string?
(23) A: About halfway between the anchor and
(24) the boat.
(25) Q: That's what's throwing me.

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(1) *Roderick*
(2) A: Basically draw a pyramid.
(3) Q: I have it in my mind.
(4) A: The piece we had up top, he is going
(5) down one on the east, one on the west, where we
(6) picked up.
(7) Q: So you are hooked about the center
(8) of the net?
(9) A: Yes.
(10) Q: You had an anchor either end still,
(11) right?
(12) A: Yes.
(13) Q: So how did you bring the net in?
(14) A: Tied the end going to the west, tied
(15) that off. Got the east end onto the hauler.
(16) Basically what I have it doing, it
(17) was just hauling it and the net was going right
(18) back over the side. I got the anchor in and then
(19) we put the anchor line in, started bringing it all
(20) aboard working back towards the wreck.
(21) Q: How did you know where the wreck
(22) was?
(23) A: As in where it was on the bottom?
(24) Q: You said you started to haul.
(25) How did you know where the wreck

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(1) *Roderick*
(2) was?
(3) A: The wreck was tangled up in the
(4) mud, right. We were directly over the top of the
(5) wreck.
(6) Q: How do you know the wreck was down
(7) there?
(8) A: The string became taut, became
(9) tight. We started pulling on the actual wreck.
(10) Q: When you started pulling on the
(11) string yourself, you didn't know there was a wreck
(12) down there, did you? You just went out to
(13) retrieve the net?
(14) A: As much of the net as we could.
(15) Q: So you hooked it in about the
(16) center, you pulled it up until you had both rigs
(17) on the bottom.
(18) You understand that, right?
(19) A: Yes.
(20) Q: Then you put one end on the hauler
(21) and you pull that until you got to the weight, at
(22) one end of the net.
(23) Do you know as the net had been
(24) laid, was that the westernmost end of the
(25) southernmost end?

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Roderick

- [1] A: Would be the easternmost end.
 [2] Q: There was no wreck on that part of
 [3] the net; is that correct?
 [4] A: Exactly.
 [5] Q: When you pulled that on board, did
 [6] it still have the high flier on it?
 [7] A: No, the high flier was gone.
 [8] Q: But it had the weight?
 [9] A: Yes.
 [10] Q: If I understand you right, did you
 [11] take the weight off?
 [12] A: Took the weight off, put that in the
 [13] pen and started bringing the net aboard. We were
 [14] going to keep the net.
 [15] Q: Are you bringing the other half,
 [16] what is called the western half, aboard now or —
 [17] A: We went to the beginning, the
 [18] absolute beginning of the net. As we were hauling
 [19] from where we picked it up, put it around the
 [20] hauler and back over the side.
 [21] So what we were doing, we were
 [22] actually getting to the anchor directly.
 [23] Q: So when you got to the anchor, you
 [24] started hauling it in as you would haul it
 [25]

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Roderick

- [1] ordinarily with fish in it?
 [2] A: Exactly.
 [3] Q: If you would haul it in, you saw
 [4] what, debris coming up with it?
 [5] A: We found one of the quarter cleats,
 [6] piece of the side. What side, I don't know. The
 [7] fog horns. Couple of rods and reels. And after
 [8] that we were directly over the site where the AVA
 [9] CLAIRE was.
 [10] Q: When you were right over the site,
 [11] how did you know, did you look at the depth finder
 [12] and see a bump on the bottom or how did you know
 [13] you were right over the AVA CLAIRE?
 [14] A: You could see the contours of the
 [15] boat on the depth sounder.
 [16] Q: Did you drag the rest of that stuff
 [17] up?
 [18] A: We got it over the top, tried to
 [19] pull on it and the line broke.
 [20] Q: What boat were you on when you did
 [21] this?
 [22] A: MADELINE RUTH.
 [23] Q: Did you have a GPS on the MADELINE
 [24] RUTH?
 [25]

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Roderick

- [1] A: Yes.
 [2] Q: Did somebody mark that position?
 [3] A: Yes. Mike did.
 [4] Q: Did you hit the manual button to
 [5] mark it or did you just read it off?
 [6] A: He wrote the numbers down and he
 [7] also, on the, his chart plotter, he marked it
 [8] there as well.
 [9] Q: Do you know what those coordinates
 [10] were?
 [11] A: At this point in time, no.
 [12] Q: Did Mike ever make a written record
 [13] of this, that you are aware of?
 [14] A: I believe he wrote it down, wrote
 [15] the coordinates down, gave them to Ron Stevens and
 [16] the observer made a brief note.
 [17] Q: Who was the observer?
 [18] A: Maggie, I don't know her last name.
 [19] Q: Who all was with you on the MADELINE
 [20] RUTH when you went out?
 [21] A: Nick Stepski, Mike Stepski, I
 [22] believe Vic was with us.
 [23] Q: Who is Vic?
 [24] A: Mike's father. Myself and the
 [25]

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Roderick

- [1] observer.
 [2] Q: You keep calling him the observer,
 [3] you mean they were along for the ride or an
 [4] official observer to observe the proceedings?
 [5] A: She goes along to take notes, fish
 [6] weights.
 [7] Q: So when you couldn't bring up that
 [8] wreck because it was too much of a strain on the
 [9] line, did you call it a day then?
 [10] A: The line broke on its own.
 [11] Q: What happened then?
 [12] A: Pulled up the remainder of it and
 [13] from there we were able to figure out how far from
 [14] the end we were.
 [15] Q: From the anchor that you were?
 [16] A: Yes.
 [17] Q: Did you get the rest of the net in?
 [18] A: The rest of the net.
 [19] Q: Was it caught up in the debris?
 [20] A: It broke at the boat.
 [21] Q: The net broke at the boat?
 [22] A: Yes.
 [23] Q: How much net total did you get in
 [24] before it broke at the boat?
 [25]

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(1) **Roderick**
 (2) A: We were on the last, which we
 (3) actually, we figure we got five nets out of it.
 (4) Q: Five?
 (5) A: 300-foot pieces.
 (6) Q: And there were six total?
 (7) A: Six.
 (8) Q: You got five 300-foot pieces.
 (9) How many 300-foot pieces were there
 (10) in total on that string?
 (11) A: Twenty.
 (12) Q: You got five out of it?
 (13) MR. STEVENS: It's time for me
 (14) to go, guys.
 (15) (Discussion off the record.)
 (16) MR. SINGLETON: Back on the
 (17) record.
 (18) BY MR. SINGLETON:
 (19) Q: I didn't ask you this earlier. Were
 (20) you ever in the military?
 (21) A: No.
 (22) Q: When the impact occurred, did you
 (23) then see the ship that hit you?
 (24) A: At the initial impact, no. I did
 (25) not see it until we were down running along the

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(1) **Roderick**
 (2) side.
 (3) Q: You say, at least the Coast Guard
 (4) statement says, not statement, but conversation
 (5) record, says contact thought that operator was
 (6) dead based on the location of impact.
 (7) Did you tell the Coast Guard that?
 (8) A: They have that messed up. The dog.
 (9) Q: Not the operator, but the dog?
 (10) A: The dog, Joey.
 (11) Q: Where was Mike when the impact
 (12) occurred?
 (13) A: I would say he was probably jumping
 (14) over the engine hatch, the engine blocks.
 (15) Q: As you are going down the side of
 (16) the boat, what were you on, were you still on
 (17) something that was afloat, were you in the water
 (18) or what was happening?
 (19) A: We were climbing the pen boards,
 (20) shuffling down the rail. Still on the boat.
 (21) Q: You are on half a boat now?
 (22) A: Yes.
 (23) Q: And as the ship went by, how far off
 (24) the ship was your boat, the piece of boat you were
 (25) on?

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(1) **Roderick**
 (2) A: We were running alongside.
 (3) Q: Could you hear it bouncing alongside
 (4) or feel it?
 (5) A: I couldn't hear it. I couldn't feel
 (6) it because we were trying to yell up the boat.
 (7) Q: What was left of the part of the AVA
 (8) CLAIRE that you were on physically in contact with
 (9) the ship?
 (10) A: That I don't know.
 (11) Q: In the fog when you looked up, could
 (12) you see the main deck level of the ship?
 (13) A: Yes.
 (14) Q: Did you see any people up there?
 (15) A: No.
 (16) Q: What color was the ship?
 (17) A: The hull was blue. From the water
 (18) line down was red. The superstructure was white.
 (19) Q: Can you describe the shade of blue
 (20) the ship was, light blue, dark blue, medium blue
 (21) Pepsi blue, pen blue?
 (22) A: The Oreo wrapper.
 (23) Q: Of the colors, we have the Pepsi
 (24) blue, the dark blue of the Pepsi bottle, the Paper
 (25) Mate blue pen, and Oreo wrapper is the closest

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(1) **Roderick**
 (2) color?
 (3) A: I would say that would be the
 (4) closest color.
 (5) MR. SINGLETON: Let's mark the
 (6) Oreo wrapper.
 (7) (Oreo cookie wrapper was
 (8) marked as Exhibit No. 17 for
 (9) identification, as of this date.)
 (10) BY MR. SINGLETON:
 (11) Q: Is there anything else that you can
 (12) recall about the way the vessel looked that you
 (13) think was, anything else you recall?
 (14) A: It was on the stern, there was a
 (15) life raft up at a 45-degree angle, containers on
 (16) deck.
 (17) Q: The life raft of the stern, was it
 (18) at a 45-degree angle, was it dead in the center,
 (19) was it to the port side, the starboard side?
 (20) A: I couldn't tell you.
 (21) Q: How about on the side of the boat?
 (22) Was there any writing on the sides, on the side
 (23) you saw?
 (24) A: Not that I can recall.
 (25) Q: And the boat itself, you were on the

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Roderick

[1] starboard side of that boat?

[2] A: No. We would be on the port side

[3] now.

[4] Q: You are on the port side?

[5] MR. HEALEY: Of the big boat.

[6] Q: You were on what was left on the

[7] stern of the AVA CLAIRE and you were on the port

[8] side of the ship; is that right?

[9] A: We were both heading in the same

[10] direction.

[11] Q: You are trying calculate now. How

[12] do you remember?

[13] A: No.

[14] MR. HEALEY: He is asking do

[15] you remember.

[16] Do you remember?

[17] A: Port is the left side, right.

[18] Q: It's the left side.

[19] A: It was.

[20] Q: On the left side of the ship.

[21] A: His port, our starboard were

[22] touching, we were run over by it. Myself and Ben

[23] were on the port side of the AVA CLAIRE.

[24] Q: You were on the port side of the AVA

[25]

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Roderick

[1] CLAIRE.

[2] And what side of the AVA CLAIRE was

[3] close to the ship, what side?

[4] A: It would be the starboard.

[5] Q: So was your transom of the AVA

[6] CLAIRE to your back? Or I will put it this way.

[7] Was the transom of the AVA CLAIRE

[8] then pointed more or less in the easterly

[9] direction?

[10] A: Yes.

[11] Q: So if the AVA CLAIRE was still

[12] intact and you were standing on her looking to her

[13] bow, the big ship would be to your right?

[14] A: More or less, yes.

[15] Q: Did you notice what the bow of the

[16] NORASIA ALYA looked like?

[17] A: No.

[18] Q: If I were to show you a variety of

[19] shapes of bows, would you be able to identify it?

[20] A: Not by bow.

[21] Q: As you went along the side, could

[22] you see red paint on the entire length of the

[23] ship?

[24] A: The red bottom paint, yes.

[25]

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Roderick

[1] Q: Do you know about how much you could

[2] see, between where the water level was and the

[3] blue paint started, how much red bottom paint

[4] could you see?

[5] A: Estimating, three to five feet of

[6] it.

[7] Q: Was there more red paint at the bow

[8] than there was at the stern or vice versa or did

[9] it seem to be about the same amount?

[10] A: It seemed to be the same.

[11] Q: When I use the word Panama chocks,

[12] do you know what the chocks that are placed every

[13] so many —

[14] MR. HEALEY: Do you know what

[15] he is talking about? Panama chocks.

[16] Q: Let me define. It's chocks on the

[17] side of a ship?

[18] A: Recessed into the hull.

[19] Q: Recessed, that the rugs can tie up

[20] to.

[21] Did you see any of those?

[22] A: No.

[23] Q: When you came past the stern, was

[24] there any writing on the stern?

[25]

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Roderick

[1] A: I didn't get a look at the stern.

[2] Q: You didn't see the stern?

[3] A: I saw the stern ramp and I was at

[4] that point more concerned of where I was.

[5] Q: You say you saw the stern ramp?

[6] A: The life raft.

[7] Q: You didn't see the stern of the

[8] vessel?

[9] A: No. I didn't get a look at the

[10] stern.

[11] Q: Did you see containers on the deck?

[12] A: I saw one that said Evergreen.

[13] Q: You are sure you saw one that said

[14] Evergreen?

[15] A: Yes.

[16] Q: Do you believe you saw any other

[17] names?

[18] A: That's the only name I saw.

[19] Q: That sticks out in your mind for

[20] some reason.

[21] Could you see how high the

[22] containers were stacked on the deck?

[23] A: Looked like one stack was probably

[24] three.

[25]

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Roderick

[1] Q: Is that the highest stack you saw?
[2] A: Between looking up, trying to see
[3] where I am on the rail, yes.
[4] Q: The Evergreen container, do you
[5] remember what container it was?
[6] A: No.
[7] MR. SINGLETON: Off the
[8] record.
[9] (Discussion off the record.)
[10] MR. SINGLETON: Back on the
[11] record.
[12] Q: How long would you say total between
[13] impact and when the vessel disappeared out of
[14] site?
[15] A: Five, six seconds.
[16] Q: Then it disappeared back into the
[17] fog, I guess?
[18] A: Yes.
[19] Q: What was the fog at that time? How
[20] much visibility do you think you had?
[21] A: At what point?
[22] Q: When the collision occurred?
[23] A: Maybe a hundred feet.
[24] Q: Did the AVA CLAIRE ever sound any
[25]

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Roderick

[1] fog signals?
[2] A: No.
[3] Q: Did Mike Stepski, did he ever send a
[4] warning blast on his boat's whistle?
[5] A: No.
[6] Q: Did you ever talk about that with
[7] him afterwards, why he didn't sound a warning?
[8] A: No.
[9] Q: Did you ever talk to him about why
[10] he didn't try to raise the target on the radar on
[11] the VHF radio?
[12] A: No.
[13] Q: You mean you personally weren't
[14] curious about why this happened?
[15] What would you have done -- sorry,
[16] you didn't answer that question.
[17] MR. HEALEY: You have to say
[18] something.
[19] A: I was curious.
[20] Q: Weren't you curious why he didn't do
[21] any of that stuff?
[22] Weren't you curious enough to ask
[23] him why he didn't do any of that?
[24] A: From my own experiences, any time,
[25]

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Roderick

[1] every time you see a target, you don't run for the
[2] radar or run for the throttle.
[3] Q: But somewhere between when you see
[4] it and you get run down, as happened here,
[5] wouldn't you be curious why somewhere in there
[6] Mike didn't try to raise him on the radio?
[7] A: I never asked. I never thought
[8] about it.
[9] Q: Since then or any time have you
[10] talked to Mike about whether he saw any writing on
[11] the ship as it went by?
[12] A: Not that I recall.
[13] Q: Did the Coast Guard ask you whether
[14] you saw any writing on the ship?
[15] A: The Coast Guard asked.
[16] Q: Were all of you together when the
[17] Coast Guard was interviewing you, at least in Cape
[18] Cod?
[19] A: No.
[20] Q: You were separated?
[21] A: Yes.
[22] Q: Did you talk to Mr. Schober about
[23] whether he saw any writing on the ship?
[24] A: I didn't talk to him about it. He
[25]

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Roderick

[1] said he did.
[2] Q: What did he say he saw?
[3] A: He saw the name on the stern.
[4] Q: And did he tell you what he saw,
[5] what the name was?
[6] A: I can't even pronounce it.
[7] Q: Spell it or give us a hint.
[8] A: He said the last part was Alya.
[9] Q: Alya?
[10] A: He said it was two parts, it was two
[11] names. As to what I remember, I don't.
[12] Q: You didn't see it, so you don't
[13] know?
[14] A: I didn't even notice the name.
[15] Q: What I am asking is what did
[16] Mr. Schober say he saw on the stern of the vessel?
[17] A: It's two years ago now.
[18] Q: You don't remember?
[19] A: No.
[20] Q: Did he say he saw the words Port
[21] Elizabeth?
[22] A: I don't know.
[23] Q: I will save that for him then.
[24] MR. HEALEY: I think so.
[25]

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(1) *Roderick*
 (2) Q: I take it I already know the answer
 (3) to this, but did you note the AVA CLAIRE's
 (4) position when the collision occurred?
 (5) A: No.
 (6) Q: Do you know if anybody did?
 (7) By anybody, I mean did Mike note the
 (8) position of where the collision occurred?
 (9) A: The exact position, no. Not until
 (10) it was a year later when he found the exact
 (11) position, where the wreckage laid.
 (12) Q: Eventually the piece of the AVA
 (13) CLAIRE you were on sank, correct?
 (14) A: The stern section, yes.
 (15) Q: I understand from Mike that a life
 (16) raft surfaced and you guys went for the life raft?
 (17) A: Yes.
 (18) Q: Did you have any life preservers?
 (19) A: At that point in time, no.
 (20) Q: Did you get any?
 (21) A: Survival suits, yes.
 (22) Q: The survival suits also serve as
 (23) flotation devices?
 (24) A: Yes.
 (25) Q: At the exact time of collision, you

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(1) *Roderick*
 (2) already told us that the AVA CLAIRE was proceeding
 (3) at about 75 degrees on the compass running or
 (4) hauling this net, but that she was all, if you
 (5) will, due to current that might push her
 (6) 40 degrees or more to the starboard, to the north?
 (7) A: Yes.
 (8) Q: At the time of the collision do you
 (9) know what your heading was?
 (10) A: Do I know exactly what the heading
 (11) was?
 (12) Q: Yes.
 (13) A: No.
 (14) Q: I apologize if I asked you this
 (15) already, but at the time of the collision, was the
 (16) AVA CLAIRE at least moving forward to some degree?
 (17) A: At the time of the incident, the
 (18) boat was sitting still.
 (19) Q: Tell me, what are the damages that
 (20) you are claiming — Mike went out sometime after
 (21) the collision to collect his nets, didn't he?
 (22) A: I was not there.
 (23) Q: You didn't go on that trip?
 (24) A: No.
 (25) Q: When you were dragging for that net,

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(1) *Roderick*
 (2) the high flier was not on the easternmost end?
 (3) A: Correct.
 (4) Q: If I understood you right, you never
 (5) did get the westernmost end; is that right?
 (6) A: The westernmost end?
 (7) Q: When you went back.
 (8) A: As in the net that was in the boat
 (9) or the end net.
 (10) MR. SINGLETON: I withdraw the
 (11) question, but you have answered it.
 (12) Q: Now, this incident happened in 2004.
 (13) Did you file tax returns for 2003?
 (14) A: 2003, yes.
 (15) Q: Did you file them for 2004?
 (16) A: Yes.
 (17) Q: 2005?
 (18) A: Yes.
 (19) Q: Describe to me, if you will, what
 (20) you are claiming in a general way, not
 (21) specifically, what are you claiming as your
 (22) losses?
 (23) You are a plaintiff in litigation.
 (24) What losses have you suffered as a result of this
 (25) incident?

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(1) *Roderick*
 (2) MR. HEALEY: Talking about
 (3) financial or just the whole picture?
 (4) MR. SINGLETON: If I separate
 (5) out financial, I'm not sure he is
 (6) going to understand the distinction
 (7) there.
 (8) Let me get the whole picture,
 (9) then I will tell you what I'm
 (10) interested in.
 (11) Q: What are you claiming for in this
 (12) suit?
 (13) A: Financial loss.
 (14) Q: Okay.
 (15) A: Flashbacks, psychological.
 (16) Q: Anything else?
 (17) A: That's pretty much it.
 (18) Q: Is that it?
 (19) A: Yes, pretty much.
 (20) Q: It either is or it isn't, you have
 (21) to tell me.
 (22) If pretty much means there is
 (23) something else left there, I have to know what it
 (24) is.
 (25) A: I believe that is it.

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(1) **Roderick**
(2) Q: Tell me about your financial losses,
(3) what components are there of your financial
(4) losses?
(5) A: The trip income from that trip and
(6) what he had left for days.
(7) Q: That trip income, plus what?
(8) A: The trips left for the year.
(9) Q: What trips left?
(10) A: I —
(11) Q: What Mike had, you mean?
(12) A: Yes, fishing.
(13) Q: So what trips did he have left?
(14) A: He had another 35, 33 days left
(15) about monking.
(16) Q: Monking?
(17) A: Yes. It's an abbreviation we use.
(18) Q: Anything else?
(19) The loss of whatever income there
(20) was on that trip, 35 days left of monking.
(21) I take it that's because he didn't
(22) have the AVA CLAIRE anymore, so you couldn't go?
(23) A: No. The best time he goes is in the
(24) spring. That's when they do the best.
(25) Q: Anything else included in your

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(1) **Roderick**
(2) financial losses?
(3) A: Stupid stuff.
(4) Q: Like what?
(5) A: A phone.
(6) Q: So you lost a cell phone?
(7) A: Cell phone, my fishing gear.
(8) Q: What else? You don't have to claim
(9) it. But if you claim about it, I have got to know
(10) about it.
(11) A: Lost income from scalloping.
(12) Q: Lost income from scalloping?
(13) A: Yes.
(14) Q: Scalloping, what, with Mike?
(15) A: Yes.
(16) Q: When would you do that?
(17) A: Once he had used up his days.
(18) Q: His fishing days for monkfish when
(19) you switch to scalloping?
(20) A: Yes.
(21) Q: How many days did you have with
(22) that?
(23) A: Unlimited.
(24) Q: How many days of lost income are you
(25) claiming?

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(1) **Roderick**
(2) A: Weather permitted, you fish two days
(3) a week.
(4) Q: How many days, up until now?
(5) MR. HEALEY: We are making
(6) such a claim.
(7) MR. SINGLETON: Up until now.
(8) MR. HEALEY: That's what I am
(9) saying, I'm in the process of, the
(10) documents are being prepared by
(11) Kirsten Stepski, where she is totaling
(12) this.
(13) That's why I had suggested you
(14) get in the area the claim is made, it
(15) has not been fully completed.
(16) I thought that Mike was going
(17) to pick that up later if we get these
(18) documents.
(19) MR. SINGLETON: I think there
(20) is no point of me going into it
(21) further.
(22) MR. HEALEY: If it's a waste
(23) of time, it's my fault, or we haven't
(24) completed it.
(25) I would suggest the best way

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(1) **Roderick**
(2) as we get those things, and Hal and I
(3) have been talking, the interrogatorics
(4) aren't fully formulated.
(5) I don't see how this claim can
(6) go ahead. You can go ahead and ask
(7) him, but you going to have to it
(8) again.
(9) MR. UNGER: I will probably
(10) ask a couple of questions.
(11) BY MR. SINGLETON:
(12) Q: Let me just ask one question.
(13) A: Sure.
(14) Q: Have you ever been scalloping with
(15) Mike Stepski in the past?
(16) A: Just what we get out of the nets.
(17) Q: When you were monkfishing or gill
(18) fishing?
(19) A: Yes.
(20) Q: Have you ever gone out to fish for
(21) scallops with Mike Stepski?
(22) A: No.
(23) MR. SINGLETON: I think as far
(24) as liability aspects, I think I might
(25) be finished.

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(1) *Roderick*
(2) Let me just go over my notes
(3) quickly.
(4) (Discussion off the record.)
(5) MR. SINGLETON: At this time I
(6) have no further questions.
(7) (Discussion off the record.)
(8) CROSS-EXAMINATION
(9) BY MR. UNGER:
(10) Q: I am going to ask you some questions
(11) just to sort of in a general way figure out where
(12) we are going in terms of what documents we need
(13) further and in terms of the interrogatory answers
(14) and things like that.
(15) I don't think it will take up too
(16) much time. I want to sort of get the ball rolling
(17) a little bit.
(18) Mr. Roderick, did you sustain any
(19) physical injury?
(20) A: Physical as in cuts, bruises?
(21) Q: Cuts, bumps, bruises, broken bones.
(22) A: No.
(23) Q: In connection with the collision?
(24) A: No.
(25) Q: No hypothermia?

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(1) *Roderick*
(2) A: That was not checked when I got off
(3) the chopper.
(4) Q: Were you examined by Coast Guard
(5) personnel medically?
(6) A: That I do not recall.
(7) Q: Did they have a rescue swimmer?
(8) A: Yes.
(9) Q: Did he get into the water?
(10) A: He was lowered down in a basket.
(11) Q: Did he get into the life raft?
(12) A: No.
(13) Q: He assisted you one by one into the
(14) basket and up into the chopper?
(15) A: Yes.
(16) Q: Who went up first?
(17) A: Me.
(18) Q: Second?
(19) A: It was Ben.
(20) Q: And third?
(21) A: Mike.
(22) Q: Have you ever ridden in a helicopter
(23) before?
(24) A: No. That was my first time.
(25) Q: Did you go to see any doctor within

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(1) *Roderick*
(2) a couple of days following this incident.
(3) A: A doctor, as in?
(4) Q: A physician?
(5) A: No.
(6) Q: You didn't go to the hospital in
(7) connection with this incident?
(8) A: I stopped in New Bedford for the
(9) drug and alcohol test.
(10) Q: But other than peeing in a cup?
(11) A: No, sir.
(12) MR. UNGER: Off the record.
(13) (Discussion off the record.)
(14) MR. UNGER: Back on the
(15) record.
(16) Q: Have you ever undergone any kind of
(17) psychological counseling at any time in your life?
(18) A: A shrink?
(19) Q: Any kind of mental health
(20) professional?
(21) A: I did see one for a little bit after
(22) the incident.
(23) Q: Who was that?
(24) A: Dr. Gillien Small.
(25) Q: Where is she located?

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(1) *Roderick*
(2) MR. HEALEY: Do you remember?
(3) Because that's been supplied.
(4) A: I can give you, it was an Old Lyme,
(5) East Lyme address. I don't know.
(6) Q: How many times did you see Dr.
(7) Small?
(8) A: Half a dozen, dozen.
(9) Q: When was the first time that you saw
(10) her, approximately, how long after the incident?
(11) A: Two months.
(12) Q: When was the last time you saw her?
(13) A: Probably September, sometime in
(14) September.
(15) Q: Of 2006?
(16) A: '4.
(17) Q: 2004. Okay.
(18) So the first time you saw her would
(19) have been, if the incident happened May, sometime
(20) July, approximately?
(21) A: To the best of my knowledge, yes.
(22) Q: How often between visits?
(23) A: She wanted to see you like once a
(24) week.
(25) Q: Did you have any insurance that paid

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[1] **Roderick**
[2] for these visits?
[3] A: At that time, no.
[4] Q: Did you pay the doctor?
[5] A: Have I? Not yet.
[6] Q: So I take it then you owe the doctor
[7] a fee?
[8] A: Yes.
[9] Q: Approximately how much is that?
[10] A: I think it was \$100 a visit. I
[11] don't know.
[12] Q: So somewhere between \$600 and
[13] \$1,200, you figure?
[14] A: Roughly, yes.
[15] Q: Did you see any other medical or
[16] mental health professionals for any complaints
[17] that you have or symptoms that you have that you
[18] relate to the accident?
[19] A: Not at this time.
[20] Q: When you say "not at this time,"
[21] does that indicate that you have a plan to go see
[22] mental health professionals or medical
[23] professionals in connection with some complaints
[24] or symptoms?
[25] A: If I could afford to, yes.

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[1] **Roderick**
[2] Q: Who would you see if you could
[3] afford to?
[4] A: Probably go back to the existing
[5] doctor.
[6] Q: Dr. Small?
[7] A: Yes.
[8] Q: Do you presently have any kind of
[9] health insurance?
[10] A: As of now, yes.
[11] Q: Who is that through?
[12] A: State of Connecticut.
[13] Q: What program is that through?
[14] A: As to what it is, I don't know.
[15] Q: Do you have an ID card that you get
[16] from the state?
[17] A: I think I do. I don't know.
[18] MR. HEALEY: Is this your
[19] insurance?
[20] THE WITNESS: Yes, I believe
[21] that is.
[22] MR. HEALEY: Mark the record
[23] for what you suggest you need and we
[24] will try to get further information.
[25] MR. UNGER: For the record, we

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[1] **Roderick**
[2] will make a photocopy of this and mark
[3] it as the next exhibit in order, but
[4] the witness has produced a Healthnet
[5] card indicating an ID number HN
[6] 9909654, also an MDCAID ID number of
[7] 003163187.
[8] And it was issued to
[9] subscriber Geal Roderick.
[10] MR. HEALEY: Make a copy front
[11] and back and make me one, too.
[12] (Copy of health insurance card
[13] was marked as Exhibit No. 18 for
[14] identification, as of this date.)
[15] **BY MR. UNGER:**
[16] Q: Have you used this card to obtain
[17] any kind of medical or mental health services
[18] previously?
[19] A: I had actually not used that. I do
[20] not believe I'm covered under it. It is for my
[21] son, I believe, I am not sure.
[22] I know my son is covered under that
[23] program.
[24] Q: What is the name of your son?
[25] A: Broyce Anthony Roderick.

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[1] **Roderick**
[2] Q: Spell that.
[3] A: B-r-o-y-c-e Anthony Roderick.
[4] Q: When was he born?
[5] A: June 28, '04.
[6] Q: Rather than my recollection, let me
[7] just ask you, following the May 22nd incident,
[8] when was the next time that you went fishing?
[9] A: Next time I went fishing was a week
[10] later with my father.
[11] Q: Now, your father, as I understand
[12] it, is a lobsterman?
[13] A: Yes.
[14] Q: Does he fish for anything besides
[15] lobster?
[16] A: Just lobster.
[17] Q: Where does he fish out of?
[18] A: Groton, Connecticut.
[19] Q: Does he fish out of somewhere else
[20] now?
[21] A: We had to move because the owner of
[22] the property sold it, the owner sold the property,
[23] so we had to move. So we are out of New London,
[24] right across the river.
[25] Q: Where did you go lobstering with